

Forest County Zoning Ordinance

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Notice:

This ordinance has been amended from time to time since 1999. Those changes have been incorporated into this document. However, terms, provisions, or conditions can be in conflict with the amendments. NCRP is currently purging this document for conflicting ordinance.

Section 1:

1.01 AUTHORITY AND OBJECTIVE

To achieve the objectives outlined in *Wisconsin Statutes*, Section 59.69, 59.692, 59.694, 281.31, 87.30 and NR 115 and NR 116, the Board of Supervisors of Forest County ordains zoning regulations as follows:

This ordinance is adopted in order to promote and protect public health, safety, comfort, convenience, prosperity, aesthetics, and other aspects of the general welfare; and more specifically, to fix reasonable standards to which structures shall conform, to regulate lot coverage and population density, to conserve the value of land and structures in all of the unincorporated areas of the county, to guide the proper distribution and location of various land uses, to promote the safety and efficiency of the streets and highways, to provide for adequate light, air, sanitation, and drainage, to conserve natural resources, to provide safety from fire and other hazards, to define the powers and duties to the administrative bodies as provided hereinafter, and to prescribe penalties for the violation of the provisions of this ordinance.

1.02 SHORT TITLE

This ordinance shall be known as, referred to, or cited as: *The Forest County Zoning Ordinance*.

1.03 REPEAL AND EFFECTIVE DATE

The existing County Comprehensive Zoning Ordinance, Flood Plain Ordinance, Shore Land Ordinance, and Wetland Ordinance are hereby repealed in their entirety. Effective on date of adoption and publication, (in the Forest County local newspaper), of this ordinance. Adoption of the comprehensive revision of these Ordinances is by County Board resolution. The County Board by a single ordinance, shall repeal the existing County Zoning Ordinances and re-enact this comprehensive revision.

1.04 APPLICATION OF OVERLAPPING REGULATIONS

This ordinance shall not repeal private covenants or other non-zoning public ordinances, except it shall apply whenever it imposes stricter regulations.

For towns in which the previous *Forest County Zoning Ordinance* was in effect prior to adoption of this ordinance, said previous ordinances shall remain in effect for a period of up to one (1) year, or until this ordinance is approved by the town board, whichever period is shorter.

This ordinance contains: Comprehensive Shore Land, Flood Plain, and Wetland regulations which, when applied within the jurisdictional area as defined in Section 144.26(2.)(d.), 23.32, 61.351, 62.231, and chapter 87 of the Wis. Stats. Supplement, takes precedence over the less restrictive provisions of the respective districts except Shore Land Zoning/Lake Development District, Flood Plain and Wetland sections shall prevail in all districts.

No approval by any town or town board shall be required for this ordinance within the Shore Lands as set forth under Section 5. References made in this ordinance to State Statutes shall apply to the Statute numbering system in use at the time of adoption of this ordinance, regardless of future changes to that numbering system.

1.05 SEPARABILITY

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

1.06 FORCE AND EFFECT

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure, or land.

106.1 No structure or land shall hereafter be used or occupied, and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered, except in conformity with all of the regulations herein specified.

106.2 Lots created after the effective date of this ordinance shall meet at least the minimum requirement established by this ordinance. No part of a lot or other open space, or off-street parking, or loading space required, or in connection with any structure for the purpose of complying with this ordinance, shall be included as part of a lot, open space, or off-street parking, or loading space similarly required for any other structure. No lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirement set forth herein.

1.07 GENERAL INTERPRETATIONS

The following rules of construction apply to this ordinance:

The particular shall control the general; in case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control; the word "shall" is always mandatory whereas the word "may" is permissive; words used in the present tense shall include the future, and words used with singular number shall include the plural, and the singular, unless the context clearly indicates the contrary, "structure" includes any part thereof, the phrase "used for" includes "arranged for"; the word

“person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” “either/or,” the conjunction shall be interpreted as follows: “and” indicates that all the connected items, conditions, provisions, or events shall apply; “or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination; “either/or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination; all measured distances shall be to the nearest integral foot, if a fraction is one-half (½) foot or more, the integral foot next above shall be taken; the masculine gender includes the feminine and neuter.

Section 2: General Zoning Provisions

2.01 OFFICIAL ZONING MAP

The county is hereby divided into districts as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. If an atlas is used, each individual map included in the atlas shall be marked and maintained in accordance with the provisions of this section.

If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the County Board of Supervisors.

There shall be only one authentic Official Zoning Map. This Official Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority as to the current zoning status of land, water areas, and other structures in the county.

2.02 PUBLIC HEARING REQUIREMENTS

2.02.1 Notice

Adequate notice shall be given of any public hearing required by the provisions of this ordinance, stating the time and place of such hearing and the purpose for which it is being held.

2.02.2 Procedure

(1.) Notice of public hearing shall be given as per *Wisconsin Statutes* Section 59.69 (2.)(e.).

(2.) In addition, when the hearing involves a proposed change in the zoning district classification of any property, or the granting of a conditional use, the town in which the affected land is located shall be notified as per *Wisconsin Statute Section* 59.69 (2.)(e.). The petitioner or landowner shall supply the list of owners within said three hundred (300) feet of affected land, from such public records as the tax roll. Also, a copy of the notice shall be posted at the Forest County Courthouse of any zoning change, conditional use, or variance, and notice of the public hearing shall be mailed to the owners of, record of all lands within three hundred (300) feet of any part of land included in such proposed change or conditional use at least ten (10) days before such public hearing. The failure of such notice to reach any property owner shall not invalidate any amending ordinance, variance, or grant of conditional use.

2.02.3 The Chairman of the Zoning Committee shall have the responsibility of providing for an adequate record of written and oral comments made at public hearings.

2.03 PROPERTY OWNERS AND AGENTS

It shall be the responsibility of the property owners and their agents, or other persons acting on their behalf including builders and contractors, to comply with the terms of this ordinance. Any person failing to comply with this ordinance is subject to enforcement under the provisions of the *Forest County Zoning Ordinance*.

2.04 GOVERNMENTAL BODIES

Unless specifically exempted by law, all cities, towns, and counties are required to comply with this ordinance and obtain all necessary permits. Unless specifically exempted by law, state agencies are required to comply if *Wis. Stats.* 13.48(13) applies. Unless specifically exempted by law, federal agencies are required to comply with this ordinance.

Section 3: Nonconformities

3.01 INTENT

Within the districts established by this ordinance, or amendments that may later be adopted, there exist recorded lots, structures, and uses that would be restricted or not permitted under terms of this ordinance or future amendment, it is not the intent of this ordinance to encourage the continuation of a nonconformity. However, to prevent undue hardship, this ordinance permits these nonconformities to continue until they are removed, destroyed, or abandoned, and to allow maintenance, reasonable repairs, and limited modernization.

3.02 EXISTING NONCONFORMING USES, STRUCTURES, AND LOTS NOT IN VIOLATION

Lots, structures, and uses of land that are not in conformance with the provisions of this ordinance, but existed prior to the adoption of this ordinance, are not held in violation of this ordinance. The remaining sections of this Section give the limitations on altering these legal nonconforming uses.

3.03 GENERAL PROVISIONS RELATING TO NONCONFORMITIES

(1.) Termination

- (A.)** If a nonconforming use of land, nonconforming use or a nonconforming structure is discontinued for twelve (12) or more consecutive months, any future uses of the land or structure must be in conformance with the zoning ordinance. This provision does not apply to any period of time during which a use is discontinued as a direct result of government action.
- (B.)** The maintenance and repair of nonconforming boathouses extending water ward beyond the ordinary high-water mark of any navigable waters shall comply with the requirement of Section 30.121, *Wis. Stats.*
- (C.)** If the nonconforming use of a temporary structure is discontinued, such a nonconforming use shall not be recommenced.
- (D.)** Nuisances shall not be permitted to continue as nonconforming uses.
- (E.)** No structural alteration, addition, or repair to any structure with a nonconforming use shall, over the life of the structure, exceed fifty (50%) percent of the CEAV, unless it is permanently changed to conform to the requirements of this ordinance.
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- (F.)** If an alteration, addition, or repair of a structure with a nonconforming use is prohibited because it is in excess of fifty (50%) percent of the value (see Section 3.06), the property owner may make the proposed alteration, addition, or repair if: **rev 4/24/02**
 - (a.)** A nonconforming use is permanently changed to a conforming use.
 - (b.)** The property owner appeals the determination of the zoning administrator and either the County Board of Adjustment, or the circuit court, find in the property owner's favor under Section 59.69 *Wis. Stats.*
 - (c.)** The property owner successfully petitions to have the property rezoned out of an overlay district in accordance with this ordinance and *Wis. Stats.* 59.69.

(2.) Construction in Progress

If construction has begun with the necessary permits at the time this ordinance is adopted, or amended, the construction may be completed, provided the work is carried on diligently to completion. Construction shall be defined as placing construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition must be carried out before construction begins, substantial excavation or demolition shall be considered construction.

(3.) Conditional Uses

Any existing uses which are listed as conditional use in the district regulations, and for which a conditional-use permit has not been obtained shall be considered a nonconforming use.

(4.) Mining Permits in Progress

Where the holder of a county permit existing at the time this ordinance, or an applicable amendment to the ordinance took effect, has expended substantial sums in reliance on such a permit for the purpose of obtaining a mining permit under *Wis. Stats.* 293.37 et seq. and begins substantial construction under the permit within three (3) years from the date of its issuance, the lawful use of a structure or property constructed pursuant to the permit, including the routine maintenance of such a structure may be continued, subject to the conditions listed under Section 3.0 of this ordinance.

3.04 NONCONFORMING LOTS OF RECORD

304.01 A single-family home is permitted on a lot that was a lot of record at the time of passage of this ordinance, in a district allowing single-family residences.

304.2 No duplexes, or multi-family homes may be placed on a lot smaller than the minimum stated for such types of residences.

304.3 deleted 4/24/02

3.05 NONCONFORMING USES OF LAND

This section shall apply to land with no improvements or improvements with a full market value of two thousand five hundred (\$2,500.) dollars or less.

3.05.1 No nonconforming use of land shall expand more than fifty (50%) percent (measured by land area), over the maximum area used during the twelve (12) months before adoption of this ordinance.

3.05.2 The nonconforming use may not be moved to another parcel or another portion of the same parcel, except areas contiguous to the area used at the time the ordinance was adopted.

3.06 NONCONFORMING STRUCTURES OR USE OF NONCONFORMING STRUCTURES

3.06.1 No nonconforming structure may be moved unless the move would make the structure conform, or closer to conformance.

306.2 Nonconforming Structure Damaged or Destroyed by Violent Wind, Fire, Vandalism, or Flood

The structure may be reconstructed or repaired to the size, location, and use it had immediately before the damage occurred, subject to the following conditions:

(1.) A structure that is destroyed or damaged due to a deliberate act by the landowner, or by his or her agent, or due to general deterioration or dilapidated condition, may not be reconstructed or repaired, except in conformance with the standards of this ordinance.

(2.) Except as provided in Section 87.30(1.) (d.), *Wis. Stats.*, nonconforming structures that are subject to regulation under a flood plain zoning ordinance may not be reconstructed or repaired except in compliance with the flood plain zoning ordinance.

(3.) A plan to mitigate the adverse effects of a nonconformity shall be developed and submitted prior to repair or reconstruction of any destroyed or damaged nonconforming structure. The plan shall be approved by the zoning administrator prior to the issuance of a zoning permit. The plan shall include an implementation schedule and shall comply with the following requirements as they are specifically zoned for:

(A.) The nonconforming structure's sanitary system, if any, shall be brought up to current standards for new construction.

(B.) For waterfront property, a thirty-five (35) foot buffer area of native vegetation shall be planted or restored. Such buffers shall comply with current *Wisconsin Forestry Best Management Practices for Water Quality* and shall provide effective, permanent erosion and sediment control and shall, within five (5) years, provide at least sixty (60%) percent visual screening of the nonconforming structure, as seen from the water.

(C.) Impervious surface limits as described in each district of this ordinance shall be met. (Maximum lot coverage.)

(D.) Exterior structure materials should be colored as to make the structure visually inconspicuous.

(E.) Any grading, filling, or dredging associated with reconstruction or repair must comply with each district requirement of this ordinance. Excess fill, rock, or materials associated with reconstruction or repair shall be removed from the site and may not be deposited within the structure setback required by each district of this ordinance.

(F.) Any construction activities, including mitigation activities required by this section, shall comply with all applicable standards of the current version of the *Wisconsin Construction Site Best Management Practice Handbook*.

(4.) The landowner shall bear the burden of proof as to the size, location, or use a destroyed or damaged nonconforming structure had immediately prior to the destruction or damage that occurred.

(5.) Repairs are authorized under this provision only to the extent that they are necessary to repair the specific damage caused by violent wind, vandalism, fire, or flood, and only that part of the nonconforming structure that has been destroyed shall be reconstructed.

3.06.3 If part of structure is a nonconforming use, this use may be extended to the remainder of the structure provided the alterations do not exceed fifty (50%) percent of the structure (CEAV) current equalized assessed value.

3.06.4 Measuring The Fifty (50%) Percent Limit

No structural alteration, addition, repair, or remodeling to any structure with a nonconforming use shall exceed fifty (50%) percent of the CEAV of the structure over the life of the structure, unless the entire structure is being brought into zoning conformance. Each such investment must be recorded as a percent of the CEAV at the time of permit application. Once the cumulative fifty (50%) limit is reached, no further investment other than normal maintenance is permitted. Rev 4/24/02

(1.) Maintenance, repairs and internal improvements to existing nonconforming principal structures are permitted provided the exterior building envelope is not altered beyond the thickness of new materials.

(a.) Such maintenance, repairs and internal improvements include, but are not limited to: Replacement or installation of windows, skylights, doors, vents, siding, insulation, shutters, gutters, flooring, shingles, other roofing, replacing or repairing walls or floors of a foundation and internal improvements.

(b.) An increase in roof pitch is permitted provided the living space is not increased.

(2.) Alterations or additions to legal nonconforming principal structures or portions of legal nonconforming principal structures located less than the pre-existing legal setback of the parent plat, which result in altering the exterior building envelope, may be permitted provided they meet the following conditions:

(a.) Any expansion shall be limited to a maximum of one thousand five hundred (1,500) square feet.

(b.) Expansion may only occur landward on structures less than fifty (50) feet from the OHWM.

(c.) Expansion may only occur parallel to the shore on structures further than fifty (50) feet from the OHWM.

(d.) Vertical expansion to twenty-five feet if the structure is located fifty (50) feet from the OHWM.

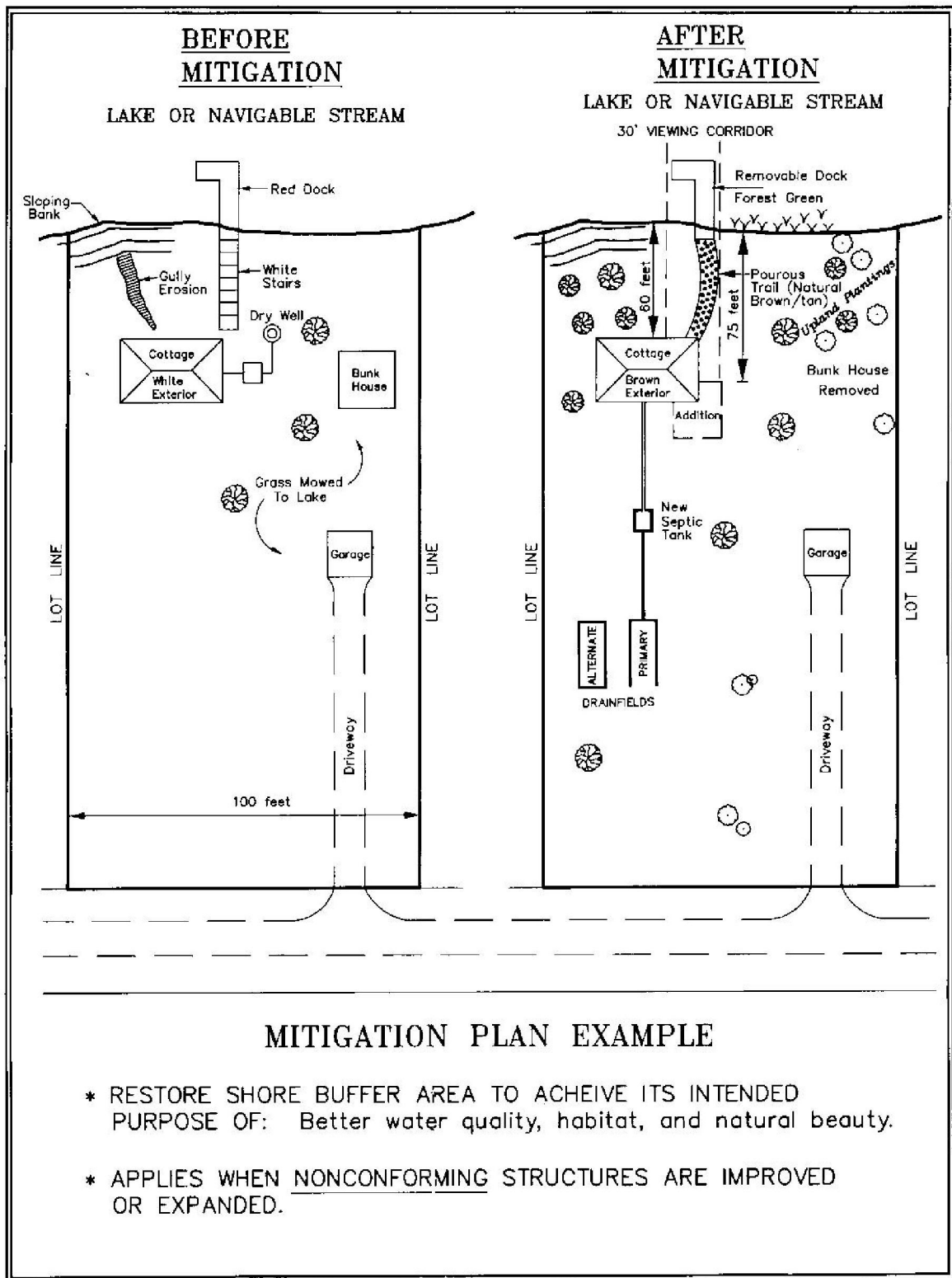
(e.) Basements are permitted if enough vertical separation from groundwater exists.

(f.) Any existing encroachment may be continued in expansion.

(g.) Mitigation is required pursuant to 3.06(3) a,b,c,d,e and f.

- (h.) All roof or deck runoff must be directed into a groundwater collection and dispersal system approved by the zoning department.
- (i.) Impervious surface limits found in Section 5.14.1(1)(A)(E) and 5.15.1(1)(A)(E)

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Section 4: Supplemental District Regulations

4.01 HIGHWAY SETBACKS AND VISIBILITY AT INTERSECTIONS

(1.) Unless otherwise stated in the district regulations, no principal or accessory structure shall be closer to the centerline of any public road than the setback as follows:

- (A.) State and Federal Highways: the minimum setback shall be one hundred ten (110) feet from the centerline of the highway or fifty (50) feet from the edge of the right-of-way, whichever is greater.
- (B.) County Road: the minimum setback shall be seventy-five (75) feet from the centerline of the highway or forty-two (42) feet from the edge of the right-of-way, whichever is greater.
- (C.) All Town Roads (easement or town owned) and Forest Service Roads: the setback shall be sixty-three (63) feet from the centerline of the highway or thirty (30) feet from the edge of the right-of-way, whichever is greater. Private easements or access roads will have a minimum setback of twenty (20) feet from the edge of easement or access road.

(2.) Reduced highway setbacks to those required in (1.) above may be permitted by the zoning administrator where there is an existing pattern of development defined as at least five (5) main or accessory structures within five hundred (500) feet of the proposed site, that are built to less than the required setback. In such cases, the setback shall be the average of the nearest structures on each side of the proposed site. Except that in no case shall the setback be closer than ten (10) feet from the right-of-way. If there are no structures on one side of the proposed site, the setback shall be the average of the nearest structure and the required setback.

(3.) In each quadrant of every street intersection, there shall be designated a visual clearance triangle bounded by the street centerlines and a line connecting them three hundred (300) feet from a state or federal highway intersection, two hundred (200) feet from a county highway, and one hundred fifty (150) feet from a town road or paved forest service road intersection. If two (2) highways of a different class intersect, the greater distance shall apply to both centerlines. Within this triangle, no object over two and one-half (2½) feet in height above these streets shall be allowed, if it obstructs the view across the triangle. Posts or open fences are excluded from this provision. Natural vegetation and agricultural crops shall also be exempt from this provision.

4.01.1 Minimum road frontages for lots and subdivisions shall be as follows:

- (A) State and Federal Highways: three hundred (300) feet of road frontage is required.
- (B) County Highway: two hundred fifty (250) feet of road frontage is required.
- (C) Town and Forest Service Roads, two hundred (200) feet of road frontage is required.
- (D) Private roads shall extend through the property being subdivided to the property line of the adjacent owner.
- (E) A turnaround or cul-de-sac shall measure One hundred (75) feet in diameter at the road end. If a roadway is extended for further development, the cul-de-sac shall be abandoned and all extraneous property shall revert to adjacent property owners.
- (F) All private road right-of-ways shall measure Sixty-six (66) feet in width. Twenty (20) feet shall be maintained for road bed for access of fire and rescue vehicles. Furthermore, overhanging vegetation shall be cut back to a height of Twenty (20) feet and Ten (10) feet from each side of the road bed to facilitate access for these services.
- (G) Easement roads shall maintain a road bed of Twenty (20) feet in with overhanging vegetation cut back to a height of Twenty (20) feet and Ten (10) feet from each side of the road bed to facilitate access for fire and rescue vehicles.
- (H) That the forest County Zoning Committee shall have the right to approve lesser dimensions than that set forth above in paragraphs A through G during preliminary land division reviews, limited only by contrary regulations imposed by the governmental body having jurisdiction over said road or lot. With respect to County Highways, any lesser dimension approved by the Forest County Zoning Committee shall first be approved by the forest County Highway Department.

Rev. 11/16/2004

4.02 ACCESSORY STRUCTURES

1. The Forest County Zoning Committee may grant a special land use permit for the construction or placement of an accessory structure on property in the shore land setback area under Wis. Stats. 59.692(1)(d), without relation to the principle structure if all of the following apply: Revision 4/24/02 Accessory Structures

- (A) The part of a structure that is nearest to the water is located at least thirty-five (35) feet landward from the ordinary high water mark.
- (B) The total floor area off all the structures in the shore land setback area of the property will not exceed two hundred (200) square feet.
- (C) The structure that is the subject of the request for special land use permit has no sides or has open or screened sides of fifty (50%) percent or more coverage.
- (D) The property owner must implement a plan approved by the Zoning Administrator to preserve or establish a vegetative buffer zone that covers at least seventy (70%) percent of one-half of the shore land setback area nearest to the water.

(2.) Accessory structures attached to residences will have the same setbacks as a residence.

(3.) No accessory structure intended for the purpose of burning fuel to supply an adjacent structure on the same premises with heat or hot water, shall be permitted unless the following conditions are met:

(A.) Structure is twenty (20) feet from accessory structures.

(B.) Structure is fifty (50) feet from a structure for human or habitation.

(C.) Shall not be located in any required street, or lots of less than one (1) acre and two hundred (200) feet in width.

4.03 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

IN any district, no more than one (1) principal structure may be erected on a lot unless the lot is large enough to be further subdivided into individual parcels that conform with the district regulations, and so that each principal structure can be situated on its own lot, complying thereon with all necessary setbacks and yards. The side yard requirement may be waived by the zoning administrator in cases involving common-wall construction, or for cases that will remain coordinated via condominium ownership. PUD and/or CD regulations are covered in Section 15.

4.04 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations contained in this ordinance do not apply to spires, wind or solar power collectors, belfries, cupolas, antennas, water tanks, ventilators, or other attached structures usually required to be placed above the roof level and not intended for human occupancy. Other structures may exceed height limitations given in district regulations upon receipt of a conditional-use permit for this purpose. (See Section 16.)

4.05 ACCESS TO STRUCTURES

Each structure served by one (1) or more public utilities or used for human habitation shall have access to a public street, private street, or driveway that allows access for fire protection and utility service vehicles.

4.06 PARKING, STORAGE, AND USE OF RECREATIONAL VEHICLES, MOTOR HOMES, AND CAMPER TRAILERS.

No one may reside within a recreational vehicle, motor home, or camper trailer longer than thirty (30) days, except in a public or private campground or recreational vehicle park with sanitary dump stations as provided for by State law.

- (1) All recreational vehicles, motor homes or camper trailers left on private property more than thirty (30) days shall comply with the general requirements of Section 24.05 of the Forest County Sanitary Ordinance.
 - a. Recreational vehicles, motor homes or camper trailers in storage adjacent to the owner's home are exempt from these requirements.
- (2) All recreational vehicles, motor homes or camper trailers located on private property must secure a permit from the Forest County Zoning Office demonstrating compliance with the Forest County Sanitary Ordinance and the terms of the Forest County Zoning Ordinance.
- (3) All recreational vehicles motor homes or camper trailers must be kept in good repair.
- (4) All recreational vehicles, motor homes or camper trailer sites must be kept clean and free of weeds, junk or discarded materials.

Rev 4/24/02

4.07 VEHICLE STORAGE

No more than two (2) motor vehicles without current license plates may be stored in residential districts, unless it is completely screened from view from the adjoining property and public view.

4.08 MINIMUM FLOOR AREA FOR RESIDENCES

No dwelling unit shall have less than seven hundred twenty (720) square-feet of habitable floor area.

- (1.) Single-width manufactured mobile homes qualified as HUD-Certified shall not have less than fourteen (14) feet of width as shipped from the factory.
- (2.) All residences other than single width HUD-Certified units shall have a width of not less than twenty (20) feet on a side.
- (3.) All manufactured homes shall have a pitched roof.
- (4.) That all foundations upon which the manufactured home rests shall be permanent and fully enclosed. Rev 4/24/02

4.09 RIGHT-OF-WAYS FOR UTILITIES

Distribution lines or below ground pipelines, transportation corridors, and recreational trails are permitted uses in any district. This does not apply to transmission lines, pipelines, pumping stations, or any other use specifically listed as a conditional use anywhere in this ordinance.

4.09.01 Telecommunications/Electronic switching equipment structure no larger than 12' x 22' is permitted in all districts subject to aesthetic:

Aesthetics, may only constitute grounds from prohibiting the use if such will substantially depreciate the value of property in the neighborhood or impose a visual effect upon neighbors or passersby which is clearly obnoxious to the prevailing taste of the municipality. In all cases, the Town Board in which the proposed use is to be located shall serve as the Aesthetic Review Board.

4.10 SOLAR RIGHTS

No structure or vegetation may be placed in a way that significantly interferes with another property owner's ability to use solar powered heating or cooling equipment or structures.

4.11 FILLING

Filling may be permitted provided the fill material:

- (1.) Shall be suitable for its intended use, no fill intended for supporting structures shall consist of junk, wood, sawdust, paper, tires, solid waste, muck, peat, or any similar materials which could cause subsidence.
- (2.) Fill material is protected from erosion so as not to cause siltation of adjacent lands or navigable waters. The use of a temporary ground cover or other conservation practices such as sediment catch basin or diversion terrace may be required in order to prevent erosion.

- (3.) Shall rest on a firm bottom and be stabilized according to accepted engineering standards.
- (4.) Shall not alter the drainage from and onto adjacent lands so as to create significant harm.
- (5.) Shall not, in any manner, alter the course of a waterway on property belonging to other than the applicant.
- (6.) Shall, where applicable, meet the requirements of state or federal agencies also having jurisdiction, such as the Wisconsin Department of Natural Resources, and the U.S. Army Corps of Engineers.
- (7.) No fill permit will be issued until all applicable permits have been received from state and federal agencies.

4.12 GRADING

Grading of an area may be permitted provided that:

- (1.) The smallest amount of bare ground shall be exposed for the shortest time feasible and permanent ground cover shall be established as soon as practical.
- (2.) Precautions shall be taken to prevent erosion and sedimentation through the use of silting basins, diversion, terraces, or similar practices used individually or in combination where circumstances warrant such. "Silt fences" consisting of silt retaining fabric staked vertically to the ground and around the down gradient perimeter of the grading activity shall be buried two (2) inches and be presumed necessary in all cases unless specifically exempted in writing by the zoning administrator. Bales of hay or straw placed behind silt fences for maximum protection are recommended.
- (3.) A land use permit as provided for in Section 20.03.1 shall be required for grading an area in excess of five thousand (5,000) square feet, except in the General Rural (GR) District a permit would be required for grading an area in excess of ten thousand (10,000) square feet.
- (4.) No grading permit will be issued until all applicable permits have been received from state and federal agencies.

4.13 FENCES

Fences will be permitted on the property line provided it is maintenance free. All other types of fences will have a setback of one (1) foot except that no fence shall be located closer than two (2) feet to any right-of-way. On the side and rear yard, the height shall not exceed six (6) feet. In the street yard, fences shall be an open type (50% or less opaque) and shall not exceed four (4) feet in height. In those cases where the yard is a waterfront yard, fences located between the water yard setback line (75 feet) shall be an open type and shall not exceed four (4) feet in height, the remaining yard shall comply with the above standards for side yards and street yards.

4.13.01 Security fences are permitted on the property lines if maintenance free, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or chain-link fencing. Except in Shore Land areas water yard fencing requirements apply in the seventy-five (75) feet setback areas.

4.14 OUTDOOR LIGHTING

Outdoor lighting installations shall be permitted in all yard areas, but no closer than three (3) feet to an abutting property line and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.

4.15 RESTRICTIVE COVENANTS

Restrictive covenants, or deed restrictions, are private contractual covenants that limit land use. Restrictions are placed on the property by affirmative action of the owner of the property (usually the initial developer). "These restrictions are for the benefit of the property with an intent to enhance the value of the real property." Restrictive covenants affect subsequent owners of the real property usually for a stated term and for any extensions. Enforcement of restrictive covenants is the responsibility of participants of the property covered by the restrictions.

The purpose of the zoning department is to ensure compliance with the Forest County Zoning Ordinance, not to enforce private restrictions.

4.16 LAND DIVISION REVIEW

416.1 Forest County shall review, pursuant to Section 236.45, *Wis. Stats.*, all land divisions creating parcels or structure sites of five (5) acres or less, these will require a certified survey or a plat. All subdivisions fronting on State or Federal Highways require Department of Transportation approval as well as County approval. In such a review the following factors shall be considered:

- (1.) Hazards to the health, safety, or welfare of future residents.
- (2.) Proper relationship to adjoining areas.
- (3.) Public access to streets and navigable waters, as required by law.
- (4.) Adequate storm drainage facilities.
- (5.) Conformity to state law and administrative code provisions.
- (6.) Protection of Shore Land areas of streams, flowages, rivers, ponds, and lakes of fifty (50) acres or less by requiring larger lot sizes. Minimum frontages of two hundred (200) feet, two hundred (200) feet at structure line and forty thousand (40,000) square feet. A structure setback of seventy-five (75) feet from OHWM. All other Shore Land requirements apply.

416.2 Requirements for certified survey approval:

- (1.) **Property owner's name.**
- (2.) **General location: (1/4 , 1/4 Govt. Lot-Lot-Sec.-Town-Range.)**
- (3.) **Title: Certified Survey Map No. __ Vol. __ Page __.**
- (4.) **Basis for bearing statement.**
- (5.) **North Arrow.**
- (6.) **Ties to the U.S. Public Land System corner by bearing and distance. Identify U. S. Public Land System lines: (section, forty, etc.).**
- (7.) **Legend identifying all placed or found monuments in accordance with *Wis. Stats. 236*.**
- (8.) **Graphic scale – not to exceed five hundred (500) feet to an inch.**
- (9.) **Lot number with area in square feet for each lot, -AND-show existing buildings –AND- existing private sewage systems.**
- (10.) **Identify all adjoining lands; (not platted, CSM, subdivision, etc.)**
- (11.) **Show high-water mark of any water body.**
- (12.) **Meander line bearing and distance.**
- (13.) **Bearing and distance from meander line to high-water line.**
- (14.) **Show “RECORDED AS” bearings and distances if different.**
- (15.) **Bearing and distances of external boundary lines.**
- (16.) **Bearing and distances of interior lot lines.**
- (17.) **Show adjacent streets and right-angle widths.**
- (18.) **Curve information – on curve or in table.**

(A.) Radius	(D.) Central Angle
(B.) Chord Bearing	(E.) Arc Length
(C.) Chord Bearing	(F.) Tangent Bearing
- (19.) **Curve Identifier.**
- (20.) **Surveyor's Certificate. Owner's Certificate or Mortgagee's Certificate (if applicable).**
- (21.) **Seal of Land Surveyor responsible for the survey and map.**
- (22.) **Applicable COMM. 85 *Wis. Admin. Code* information.**

4.17 ENCROACHMENTS

Encroachments and property line disputes are a civil matter and shall be handled first in court to determine proof of property lines. This establishes if a violation of the *Forest County Zoning Ordinance* has occurred. When a violation is established, the Forest County Zoning Office will proceed to enforce the applicable section of County Ordinance.

4.18 COMPLAINTS

Zoning complaints will be filed in writing and signed on forms provided in the Zoning Office.

4.19 WELL AND SANITARY REQUIREMENTS

The Forest County Private Sewage System Ordinance and Commerce Plumbing Codes shall apply to all of Forest County for the preservation and enhancement of water quality.

(1.) Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812, *Wis. Adm. Code*.

(2.) Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal systems shall be governed by a private sewage system ordinance adopted by the county under Section 59.70(5), *Wis. Stats*.

(3.) One soil test boring shall be required and on file in the Forest County Zoning Office on each vacant lot and each new lot within a subdivision. Evaluations of existing private sewage disposal systems shall be required on systems ten (10) years or older prior to sale. The systems not passing the sanitary evaluation shall be brought up to code. These provisions were not included in the Forest County Private Sewage System Ordinance. This requirement shall be made mandatory by this ordinance.

5.00 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, AND TITLE

5.01 STATUTORY AUTHORIZATION

This ordinance is adopted under the authority of Wisconsin Statutes:

Section 59.69 – General County Planning And Zoning Authority.

Section 59.692 – Duty To Adopt Shore Land Zoning Imposed On Counties.

Section 59.694 – County Board Of Adjustment Authority, Composition And Duties.

Section 87.30 – DNR Procedures To Adopt Shore Land Zoning For Noncompliant County.

Section 81.31 – General Program Objectives And Authority For All Counties, Towns, Cities, And Villages To Adopt And Administer Shore Land Zoning.

Section 236.45 – Local Subdivision Regulation.

Section 281.31 – Navigable Waters Protection Law.

NR 115 – (*Wisconsin Administrative Code*)

State Shore Land Zoning Standards For Counties NR 116 – (*Wisconsin Administrative Code*)
Wisconsin Flood Plain Management Program.

5.02 FINDING OF FACT

Uncontrolled use of the Shore Lands and pollution of the navigable waters of Forest County would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control structure sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Forest County, Wisconsin. Given high levels of existing development on some water bodies, increased pressure for development of Shore Lands on many others, and the varied development, it is necessary that classes of water bodies meet certain standards more restrictive than the minimum standards required by state law in order to fully achieve the purposes of this ordinance.

5.03 PURPOSE

For the purpose of promoting the public health, safety, convenience, habitat, environmental concerns, and welfare. This ordinance has been established too:

5.03.1 Further the maintenance of safe and healthful conditions, habitat, environmental concerns, and prevent and control water pollution through:

(1.) Limiting structures to those areas where soil and geologic conditions will provide a safe foundation.

(2.) Establishing minimum lot sizes to provide adequate area for private sewage disposal facilities.

(3.) Controlling filling and grading to prevent serious soil erosion problems.

5.03.2 Protect spawning grounds, fish and aquatic life through:

(1.) Preserving wetlands and other fish and an aquatic habitat.

(2.) **Regulating pollution sources.**

(3.) Controlling shoreline alterations, dredging, and lagooning.

(4.) Shore Land buffer standards to limit cumulative impacts to an aquatic life habitat.

(5.) Regulating re-vegetation of Shore Land buffer zone through mitigation to at least sixty (60%) percent of its pre-disturbed state.

5.03.3 Control structure sites, placement of structures, and land use through:

(1.) **Separating conflicting land uses.**

(2.) Prohibiting uses detrimental to the Shore Land area.

- (3.) Setting minimum lot sizes and widths.
- (4.) Regulating side yards and structure setbacks from waterways.

5.03.4 Preserve shore cover and natural beauty through:

- (1.) Restricting the removal of natural shore cover.
- (2.) Preventing shoreline encroachment by structures.
- (3.) Controlling Shore Land excavation and other earth-moving activities.
- (4.) Regulating the use and placement of structures. Requiring boathouses to be treated as a structure and not exempt from the seventy-five (75) feet setback.
- (5.) Shore Land buffer standards to limit cumulative impacts to natural beauty and shore cover.

5.04 TITLE

Section 5: Shore Land Zoning Ordinance Regulations
Lake Development (SL) District

5.05 GENERAL PROVISIONS

5.05.1 Areas To Be Regulated

Areas regulated by this ordinance shall include all the lands, referred to herein as Shore Lands, in the unincorporated areas of Forest County which are:

5.05.2 Lakes, Ponds, and Flowages within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds, or flowages.

The above mentioned waters shall be presumed to be navigable in Forest County if they are listed in the Wisconsin Department of Natural Resources publication *Surface Water Resources of Forest County* or are shown on United States Geological Survey quadrangle maps or other zoning base maps.

5.05.3 Rivers and Streams

Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the flood plain, whichever distance is greater. Rivers and streams in Forest County shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood hazard boundary maps, flood insurance rate maps, flood boundary flood way maps, county soil survey maps or other existing county flood plain zoning maps shall be used to delineate flood plain areas.

5.05.4 Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate local office of the Department of Natural Resources for a final determination of navigability or ordinary high-water mark.

5.05.5 Under Section 144.26 (2.)(m.), *Wis. Stats.*, notwithstanding any other provision of law or administrative rule promulgated thereunder, this Shore Land zoning ordinance does not apply to lands adjacent to farm drainage ditches if:

- (1.) Such lands are not adjacent to a natural navigable stream or river.
- (2.) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- (3.) Such lands are maintained in nonstructural agricultural use.

5.06 SHORE LAND ZONING MAPS

The maps designated below are hereby adopted and made part of this ordinance. They are on file in the office of the zoning administrator for Forest County.

- (1.) Most recent United States Geological Survey Quadrangle Maps for Forest County in effect on date of publication.
- (2.) Wisconsin Wetland Inventory Maps For Forest County in effect on date of publication.
- (3.) Flood plain zoning maps identified as FEMA Flood Hazard Boundary Map in effect on date of publication.

5.07 COMPLIANCE

The use of any land or water, the size, shape, and placement of lots, the use, size, type, and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of Shore Land vegetation, the subdivision of lots, shall be in full compliance with the terms of this ordinance and other applicable local, state, or federal regulations. See Section three (3.0) for standards applicable to nonconforming uses.

Structures and signs shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders, and contractors are responsible for compliance with the terms of this ordinance.

5.08 MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when Section 13.48(13), *Wis. Stats.*, applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Section 30.12(4)(a.), *Wis. Stats.*, applies.

5.09 ABROGATION AND GREATER RESTRICTIONS

The provisions of this section supersede all the provisions of any county zoning ordinance adopted under Section 59.69, *Wis. Stats.*, which relate to Shore Lands.

(1.) This section of the Forest County Zoning Ordinance shall not require approval or be subject to disapproval by any town or town board. Section 59.69(2)(a.), *Wis. Stats.*

(2.) If an existing town ordinance relating to Shore Lands is more restrictive than this section or any amendments thereto, the town ordinance supersedes to the extent of the greater restrictions but not otherwise.

5.10 PROVISIONS

The provisions of the Forest County Zoning Ordinance are hereby incorporated, these provisions shall apply to the Shore Land areas.

5.10.1 Interpretation

In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by a standard in ch. NR 115, *Wis. Adm. Code*, and where the ordinance provision is unclear, the provision shall be interpreted in light of the ch. NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

5.11 WATERFRONT ACCESS

5.11.1 Water Access Lots

General Restrictions:

(1.) Water access lots shall not be allowed on lakes and ponds of less than fifty (50) acres.

(2.) No pyramiding as defined herein shall be permitted on any lands fronting on a water body except as may be specifically permitted accessory to a marina or resort, and which may be allowed under the terms of a conditional-use permit for a planned unit development. There will be one access lot for every three (3) back lots created, (where access is being provided to a water body), after adoption of this ordinance.

(3.) Mainland access for every two (2) lots developed on islands.

(4.) Buffer Area:

Each water access lot shall include an unmowed buffer area along each side lot boundary. Each buffer width shall be a minimum of twenty-five (25) feet. Water access lot buffers may include wetlands. The remaining lot width located between the buffers shall not include any wetlands. Buffer area includes thirty-five (35) feet from OHWM and landward. No mow in the buffer area except in the thirty (30) foot-view corridor.

(5.) Improvements on a water access lot are limited to the following:

(A.) A driveway onto the access lot is allowable.

(a.) Driveway shall not be closer than one hundred (100) feet from the OHWM.

(b.) Driveway shall not be greater than twenty (20) feet in width.

(c.) In addition to the width of the driveway, parking spaces are allowed on the access lot but only limited to equal the number of units plus one (1) additional space.

(B.) A single (1) opening thirty (30) feet in width is permitted at the water's edge. Lots having two hundred (200) feet of frontage or more shall not have adjoining openings, a thirty-five (35) foot buffer area shall be in place between each opening on larger lots. Measured along water body.

(C.) A path four (4) feet maximum is allowed to the shoreline opening.

(D.) The minimum width of an access lot shall be one hundred (100) feet measured at the lot's narrowest point.

5.11.2 Waterfront Access Easements

(1.) Except as authorized by *Wis. Stats.* 30.131, no easements may be conveyed to a non-riparian landowner allowing access to water bodies or for any other purposes.

(2.) Existing easements are to the extent allowed by state law.

Note: *Wis. Stats.* 30.133 prohibits the conveyance of any riparian land by easement or similar conveyance after April 9, 1994, except for the right to cross the land in order to have access to the navigable water. *Wis. Stats.* 30.131 permits non-riparians to place certain wharfs or piers into the water if, among other things, it is pursuant to an easement recorded before December 31, 1986. Notwithstanding *Wis. Stats.* 30.133, such easements may be conveyed with the riparian land.

5.11.3 Dock-o-minimums Prohibition

The sale of mooring sites and berths as a condominium or anything else separate from a dwelling unit on the same Shore Land lot is prohibited.

5.12 LIMITED REZONING TO ACHIEVE PLANNED RESIDENTIAL UNIT DEVELOPMENT OR CLUSTER DEVELOPMENT REDUCED LOT SIZES AND SETBACKS (see Section 15 Planned Unit Development and/or Cluster Development Overlay District.)

5.12.1 Relaxation of Standards through a Variance as defined in Section 21.03.

In some instances where an individual lot or small tract of land has unique characteristics, such as unique terrain, which would result in unnecessary hardship as defined in Section 21.03, if the owner were required to comply with one or more of the requirements for minimum lot sizes, width and setback, the Board of Adjustment may grant a variance. In other instances where larger areas are involved, the appropriate method for seeking a relaxation of the same minimum standards is by rezoning to establish a Planned Unit or Cluster Development Overlay (see Section 15).

5.13 SANITARY REGULATIONS IN SHORE LAND AREA

The Forest County Private Sewage System Ordinance and Commerce Plumbing Codes shall apply for the preservation and enhancement of water quality.

SHORE LAND SETBACKS

(Setbacks are measured from any part of the structure, e.g., deck, eave, patio, stoop, porch, etc.) (OHWM means Ordinary High-Water Mark)

LAKES AND FLOWAGES OVER FIFTY (50) ACRES (REV.02/17/02)

5.14 DIMENSIONS OF STRUCTURE SITES AND REQUIREMENTS FOR WATERFRONT PROPERTIES

5.14.1 Lots Not Served By Public Sanitary Sewer

(1.) Minimum Requirements:

(A.) Minimum lot requirements:

- (a.) Minimum lot area shall be twenty thousand (20,000) square feet or more to provide enough buildable land for access drive, structures, required yards, and sanitary system.
- (b.) Minimum lot width at structure setback line shall be one hundred (100) feet.
- (c.) Minimum of one hundred (100) feet of frontage the OHWM.
- (d.) Minimum of one hundred (100) feet of frontage at an access point to lot, (i.e., town road, easement, private drive, highway) unless a lesser dimension is approved by the Forest County Zoning Committee during a preliminary land division review. (Rev. 01/15/05)
- (e.) Maximum twenty (20%) percent lot coverage (impervious surface area).

(B.) Residence setbacks and residence requirements:

- (a.) Side yard setbacks each shall have a minimum of fifteen (15) feet from lot line to any part of structure.
- (b.) A shore yard setback shall have a minimum of seventy-five (75) feet from any part of the structure to the closest point of OHWM.
- (c.) Highway setbacks apply. (See Section 4.01.)
- (d.) Minimum of seven hundred twenty (720) square feet of habitable floor area, as measured outside of wall to outside of wall.
- (e.) Height restriction of twenty-five (25) feet measured from sill plate of structure to peak.
- (f.) Five (5) feet from a septic tank/holding tank.
- (g.) Twenty-five (25) feet from disposal (drain) field if residence has a basement.
- (h.) Fifteen (15) feet from disposal (drain) field if residence is built on a slab or crawl way/space.

(C.) Accessory Structure (garage, storage, etc.)

- (a.) Side yard setbacks each shall have a minimum of seven (7) feet, six (6) inches from lot line to any part of structure. (For accessory structures attached to residences the setback shall be fifteen (15) feet.)
- (b.) A shore yard setback shall have a minimum of seventy-five (75) feet from any part of structure to the closest point of the OHWM.
- (c.) Highway setbacks apply. (See Section 4.01.)
- (d.) Height restriction of eighteen (18) feet measured from sill plate of structure to peak.
- (e.) Habitation prohibited.

- (f.) Five (5) feet from a septic tank/holding tank.
- (g.) Ten (10) feet from disposal (drain) field.

Public Sewered Lots

5.14.2 Lots Served By Public Sanitary Sewer

(1.) Minimum Requirements

(A.) Minimum lot requirements:

- (a.) Minimum lot area shall be twenty thousand (20,000) square feet or more to provide enough buildable land for access drive, structures, required yards.
- (b.) Minimum lot width at structure line shall be one hundred (100) feet.
- (c.) Minimum of one hundred (100) feet of frontage at the ordinary high-water mark.
- (d.) Minimum of one hundred (100) feet of frontage at an access point to lot (i.e., town road, easement, private drive, highway), unless a lesser dimension is approved by the Forest County Zoning Committee during a preliminary land division review. (Rev. 02/15/05)
- (e.) Maximum of twenty (20%) percent lot coverage (impervious surface area).

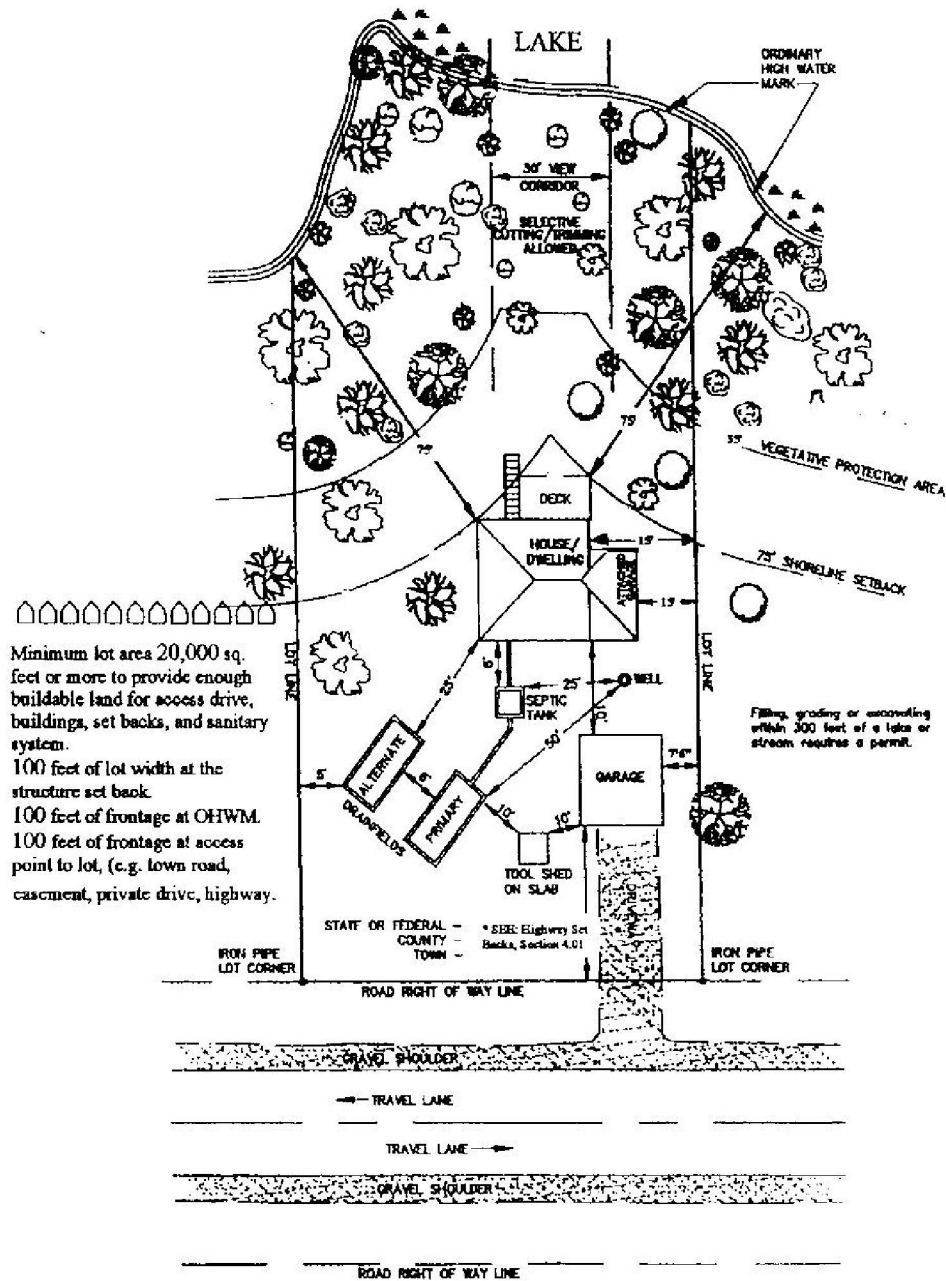
(B.) Residence setbacks and residence requirements

- (a.) Side yard setbacks each shall have a minimum of ten (10) feet from lot line to any part of habitable structure.
- (b.) Shore yard setback shall have a minimum of seventy-five (75) feet from any part of the structure to the closest point of the OHWM.
- (c.) Highway setbacks apply. (See Section 4.01.)
- (d.) Minimum of seven hundred twenty (720) square feet of habitable floor area, as measured outside of wall to outside of wall.
- (e.) Height restriction of twenty-five (25) feet measured from sill plate of structure to peak.

(C.) Accessory Structure (garage, storage, etc.)

- (a.) All side yard setbacks each shall have a minimum of five (5) feet from lot line to any part of structure. (For accessory structures attached to residences setback shall be ten (10) feet.)
- (b.) Shore yard setback shall have a minimum of seventy-five (75) feet from any part of structure to the closest point of the OHWM.
- (c.) Highway setbacks apply. (See Section 4.01.)
- (d.) Height restriction of eighteen (18) feet measured from sill plate of structure to peak.
- (e.) Habitation prohibited.

SET BACKS FOR WATER FRONT PROPERTIES "LAKES OVER 50 ACRES"



LAKES, PONDS and FLOWAGES, FIFTY (50) ACRES OR LESS, RIVERS, AND STREAMS (rev. 02/17/04)

5.15 DIMENSIONS OF STRUCTURE SITES AND REQUIREMENTS FOR WATERFRONT PROPERTIES

5.15.1 Lots served by a public sanitary sewer and lots not served by a public sanitary sewer.

(1.) Minimum Requirements:

(A.) Minimum lot requirements:

- (a.)** Minimum lot area shall be forty thousand (40,000) square feet or more to provide enough buildable land for access drive, structures, required yards, and sanitary system.
- (b.)** Minimum lot width at structure shall be two hundred (200) feet.
- (c.)** Minimum of two hundred (200) feet of frontage at the OHWM.
- (d.)** Minimum of two hundred (200) feet of frontage at access point to lot, (i.e., town road, easement, private drive, highway), unless a lesser dimension is approved by the forest County Zoning Committee during a preliminary land division review. (Rev. 02/15/05)
- (e.)** Maximum twenty (20%) percent lot coverage (impervious surface area).

(B.) Residence setbacks and residence requirements:

- (a.)** Side yard setbacks each shall have a minimum of fifteen (15) feet from lot line to any part of structure.
- (b.)** Shore yard setback shall have a minimum of seventy-five (75) feet from any part of structure to the closest point of OHWM.
- (c.)** Highway setbacks apply. (See Section 4.01.)
- (d.)** Minimum of seven hundred twenty (720) square feet of habitable floor area, as measured outside of wall to outside of wall.
- (e.)** Height restriction of twenty-five (35) feet measured from the lowest exposed point of the structure to the peak.

Rev 2/2/04

- (f.)** Five (5) feet from septic tank/holding tank.
- (g.)** Twenty-five (25) feet from disposal (drain) field if residence has a basement.
- (h.)** Fifteen (15) feet from disposal (drain) field if residence is built on a slab or crawl way/space.

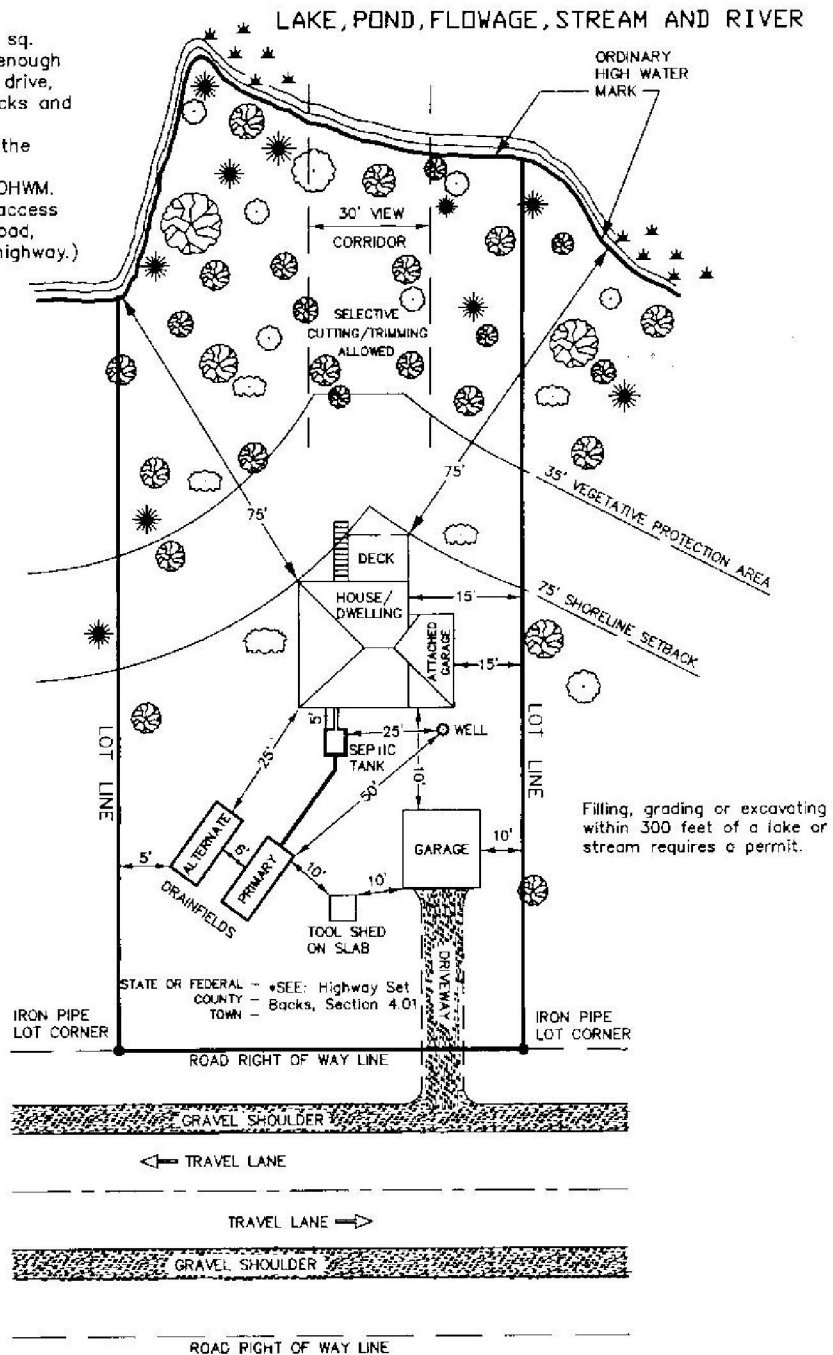
(C.) Accessory Structure (garage, storage, etc.)

- (a.)** Side yard setbacks each shall have a minimum of ten (10) feet from lot line to any part of structure.
- (b.)** Shore yard setback shall have a minimum of seventy-five (75) feet from any part of structure to the closest point of OHWM.
- (c.)** Highway setbacks apply. (See Section 5.01.)
- (d.)** Height restriction of eighteen (26) feet measured from sill plate of structure to peak. **Rev 2/204**
- (e.)** Habitation prohibited.
- (f.)** Five (5) feet from septic tank/holding tank.
- (g.)** Ten (10) feet from disposal (drain) field.

SET BACKS FOR WATER FRONT PROPERTIES

"LAKES AND PONDS 50 ACRES OR LESS, FLOWAGES, RIVERS AND STREAMS"

Minimum lot area 40,000 sq. feet or more to provide enough buildable land for access drive, buildings, required set backs and sanitary system.
200 feet of lot width at the structure set back.
200 feet of frontage at OHWM.
200 feet of frontage at access point to lot, (e.g. town road, easement, private drive, highway.)



BACK LOTS

(LAKES AND FLOWAGES OVER FIFTY (50) ACRES) (rev. 02/17/04)

5.16 DIMENSIONS OF STRUCTURE SITES AND REQUIREMENTS FOR BACK LOTS IN THE SHORE LAND LAKE DEVELOPMENT DISTRICT

5.16.1 Lots **Not Served** by Public Sanitary Sewer and Lots Served by a Public Sanitary Sewer.

(1.) Minimum Requirements

(A.) Minimum lot requirements:

- (a.)** Minimum lot area shall be two (2) acres or more, provide enough land for access drive, structures, required yards, and sanitary system.
- (b.)** Minimum lot width at structure line shall be two hundred (200) feet.
- (c.)** Minimum amount of frontage at access point to a lot (i.e., town road, easement, private drive, highway).
(See Section 4.01.1.)
- (d.)** Maximum twenty (20%) percent coverage impervious surface area).

(B.) Residence setbacks and residence requirements

- (a.)** Side yard setbacks each shall have a minimum of (15) feet from lot line to any part of structure.
- (b.)** Rear yard setback shall be a minimum of fifteen (15) feet from lot line to any part of the structure.
- (c.)** Highway setbacks apply. (See Section 4.01.)
- (d.)** Minimum of 720 square feet of habitable floor area, as measured outside of wall to outside of wall.
- (e.)** Height restriction of twenty-five (35) feet measured from the lowest exposed point of the structure to the peak. **Rev 2/2/04**
- (f.)** Five (5) feet from septic/holding tank.
- (g.)** Twenty-five (25) feet from disposal (drain) field if residence has a basement.
- (h.)** Fifteen (15) feet from disposal (drain field) if residence is built on a slab or crawl way/space.

(C.) Accessory Structure (garage, storage, etc.).

- (a.)** Side yard setbacks each shall have a minimum of seven (7) feet, six (6) inches from lot line to any part of structure.
- (b.)** Rear yard setback shall have a minimum of seven (7) feet, six (6) inches from lot line to any part of structure.
- (c.)** Highway setbacks apply. (See Section 4.01.)
- (d.)** Height restriction of eighteen (26) feet measured from sill plate of structure to peak. **Rev 2/2/04**
- (e.)** Five (5) feet from septic/holding tank.
- (f.)** Ten (10) feet from disposal (drain) field.
- (g.)** Habitation prohibited.

BACK LOTS

(LAKES, PONDS AND FLOWAGES, FIFTY (50) ACRES OR LESS) RIVERS, AND STREAMS (rev. 02/17/04)

5.17 DIMENSIONS OF STRUCTURE SITES AND REQUIREMENTS FOR BACK LOTS IN THE SHORE LAND LAKE DEVELOPMENT DISTRICT

5.17.1 Lots **Not Served** by Public Sanitary Sewer and Lots Served by a Public Sanitary Sewer.

(1.) Minimum Requirements

(A.) Minimum lot requirements:

- (a.)** Minimum lot area shall be three (3) acres, or more, to provide enough land for access drive, structures, required yards and sanitary system.
- (b.)** Minimum amount of frontage at access point to a lot (i.e., town road, easement, private drive, (highway)). (See Section 4.01.1.)

- (c.) Maximum thirty (30%) percent lot coverage (impervious surface area).
- (B.) Residence setbacks and residence requirements:
 - (a.) Side yard setbacks each shall have a minimum of twenty (20) feet from lot line to any part of structure.
 - (b.) Rear yard setback shall have a minimum of twenty (20) feet from lot line to any part of structure.
 - (c.) Highway setbacks apply. (See Section 4.01.)
 - (d.) Minimum of seven hundred twenty (720) square feet of habitable floor area, as measured outside wall to outside wall.
 - (e.) Height restriction of twenty-five (36) feet measured sill plate of structure to peak. **Rev 2/2/04**
 - (f.) Five (5) feet from septic/holding tank.
 - (g.) Twenty-five (25) feet from disposal (drain) field if residence has a basement.
 - (h.) Fifteen (15) feet from disposal (drain) field if residence is built on a slab or crawl way/space.
- (C.) Accessory Structure (garage, storage, etc.)
 - (a.) Side yard setbacks each shall have a minimum of ten (10) feet from lot line to any part of structure.
 - (b.) Rear yard setback shall have a minimum of ten (10) feet from lot line to any part of structure.
 - (c.) Highway setbacks apply. (See Section 4.01.)
 - (d.) Height restriction of eighteen (26) feet measured from sill plate of structure to peak. **Rev 2/2/04**
 - (e.) Five (5) feet from septic/holding tank.
 - (f.) Ten (10) feet from disposal (drain) field.
 - (g.) Habitation prohibited.

5.18 SUBSTANDARD LOTS

5.18.1 Substandard Lots Served by a Public Sanitary Sewer

(1.) A substandard lot served by a public sanitary sewer which is at least seven thousand five hundred (7,500) square feet in area and is at least fifty (50) feet in width at the structure setback line and at least fifty (50) feet in width at the OHWM may be used as a structure site for a single-family dwelling upon issuance of a zoning permit, if it meets all of the following requirements:

- (A.) Such use is permitted in the zoning district.
- (B.) The lot was on record in the county register of deeds office prior to the effective date of this ordinance.
- (C.) The lot was in separate ownership from abutting lands prior to the effective date of this ordinance. If abutting lands and substandard lot shall not be sold or used without full compliance with the terms of this ordinance, including minimum area and width requirement found in Sections 5.14, 5.15, 5.16, 5.17, and Section Three (3).
- (D.) All other dimensional requirements of this ordinance (including setbacks) shall be in compliance with the Zoning Ordinance.

5.18.2 Substandard Lots Not Served By Public Sanitary Sewer

A substandard lot not served by public sanitary sewer which is at least ten thousand (10,000) square feet in area, and at least sixty-five (65) feet in width at the structure setback line, and at least sixty-five (65) feet in width at the OHWM, may be used as a structure site for a single-family dwelling upon issuance of a zoning permit by the zoning administrator if it meets all of the following requirements:

- (1.) Such use is permitted in the zoning district.
- (2.) The lot was on record in the county register of deeds office prior to the effective date of this ordinance.
- (3.) The lot was in separate ownership from abutting lands prior to the effective date of this ordinance. If abutting lands and the substandard lot were owned by the same owner at the effective date of this ordinance, the substandard lot shall not be sold or used without full compliance with this ordinance, including minimum area and width requirements found in Sections 5.14.1 and Section Three (3) of this ordinance.
- (4.) All other dimensional requirements of this ordinance (including setbacks) will be complied with.

5.18.3 Other Substandard Lots ~~deleted rev 2/02~~

5.18.4 Setbacks From The Water

(1.) All new structures shall be setback a minimum of seventy-five (75) feet from the ordinary high-water mark, unless a pattern of development exists. However, no structure shall be built closer to the ordinary high water mark than the principal structure on each adjacent lot to the proposed construction. **Rev 4/24/02**

(2.) Fertilizing of Shore Yards Prohibited. Within seventy-five (75) feet required setback from the OHWM, lawn, garden, farm, and forestry fertilizers shall not be applied to the soil surface unless specifically free of nitrates, phosphates, and lake damaging chemicals.

(3.) Piers, boat hoists, stairways, walkways, lifts, and open fences which may require a lesser setback from OHWM. On properties with steep, erodible banks, or with wetlands covering the shore, the construction of a stairway or walkway may be necessary to provide access to the water. When properly planned and designed, such structures should be permitted within the seventy-five (75) foot setback when the following conditions are met:

(A.) There are no other locations or facilities on the property which allow adequate access to a pier, boat hoist, or existing boathouse. Only one stairway or lift is allowed, not both, except where there is an existing stairway and the lift will be mounted to or is immediately adjacent to the existing stairway.

(B.) Such structures shall avoid environmentally sensitive areas.

(C.) Vegetation which stabilizes slopes or screens structural development from view shall not be removed.

(D.) Structures should be colored and screened by native, non-invasive vegetation so as to be inconspicuous when viewed against the shoreline.

(E.) Canopies, roofs, and sides are prohibited. Open railings may be provided where required for safety.

(F.) A maximum width of four (4) feet (outside dimensions) is allowed for stairways, walkways, and lifts.

(G.) Landings are allowed where required for safety purposes and shall not exceed thirty (30) square feet. Attached benches, seats, tables, etc. are prohibited.

(H.) Stairways, walkways, and lifts shall be supported on piles or footings. Any filling, grading, or excavation that is proposed must meet the requirements of Sections 4.11 and 4.12 of this ordinance.

5.19 ACCOMMODATIONS FOR DISABLED PERSONS

Where strict interpretation of this ordinance would effectively deny disabled persons equal housing opportunity, and where the property does not meet the criteria for a variance under Section 21.03 of this ordinance, the Zoning Board of Adjustment may grant a Special Exception Permit to provide reasonable accommodations as required by the Federal Americans With Disabilities Act, the Federal Fair Housing Act, and the Wisconsin Fair Housing Act. The permit shall be subject to the following conditions:

(1.) Only the minimum relaxation of dimensional, density, or other standards needed to provide reasonable accommodation shall be approved.

(2.) No use, structure, or other relaxation of standards shall be approved that would violate or undermine the stated purposes of this ordinance.

(3.) The Special Exception Permit will expire once the property is no longer primarily used by a disabled person. Subsequent landowners shall be responsible for the removal of any nonconforming structures no longer required by a disabled resident.

5.20 REDUCED STRUCTURE SETBACKS

(1.) A reduced setback to the seventy-five (75) feet setback may be permitted by the zoning administrator where there is an existing pattern of development. Defined as:

(a.) The subject parcel is located in a duly recorded plat, in which other single family residences are in existence at the time of application.

(b.) The subject parcel is not located in a plat but there are at least five (5) habitable structures on adjacent lots to the applicant's lot, within five hundred (500') feet of the proposed structure; which are built to less than the required seventy five (75') foot setback.

(c.) In instances in which (a) applies, the Zoning Administrator must first determine the actual existing setback of each residence in the plat in which the subject parcel is located, and therein calculate the average setback of each such residence. This average setback is then considered to be the pre-existing legal setback for all residences of that plat. However, in no instance shall the setback be reduced to less than forty (40') feet from the OHWM.

(d.) In the event (b) applies, the average setback of the nearest habitable structure on each side of the proposed site, or if there is an existing main structure on only one (1) side, the setback may be reduced to the average of the nearest habitable structure setback and the required setback, but in no case less than forty (40') feet.

Rev 4/24/02

(2.) Additions shall not exceed one-half (1/2) of the total square footage of the existing structure, or exceed the twenty-five (25) feet height restriction, in the lifetime of that structure. This section does not apply to Decks, Gazebos, Screen Houses, or replacement/placement of a new structure unless it meets the criteria set forth in 3.06.2 (Nonconforming Structure Damaged or

Destroyed by Violent Wind, Fire, Vandalism, or Flood). Decks, Gazebos, Screen Houses, or replacement/placement of a new structure do not meet the criteria found in the purpose statement of the ordinance and do not reflect the statutory objectives of Wisconsin's Shore Land Management program and are not allowed under this averaging.

(A.) Other setback reduction may be permitted by the board of adjustment pursuant to the standards of Section 21.03.

(3.) In cases of additions to existing habitable structures with less than seventy-five (75) feet of setback to the OHWM, which structures are therefore nonconforming structures unless built under this section, such additions and all successive additions shall not cumulatively exceed fifty (50%) percent of the value of the structure, as regulated by Section 3.06 Nonconforming Structures. Structures with less than forty (40) feet of setback may only be expanded to the landward side/backside of structure opposite the water side. This applies if any portion of the structure is within forty (40) feet of the OHWM. All nonconforming structure additions shall be landward only.

(4.) Exception

The requirements of Sections 5.14, 5.15, and 5.18.4 shall not apply to wells, mitigation water pipelines or discharge structures, contingency or mitigation facilities, open fences, culverts, bridges, pipes, conduits, water or wastewater, or ceilings pipelines which are either underground or carried on the structure of bridges, roads, railroad tracks or spurs, or gas or electric or other utility lines or poles, constructed as part of development for metallic mining operations for which a permit is issued pursuant to Section 20.03.4 of this ordinance.

5.21 REMOVAL OF SHORE COVER

5.21.1 Purpose of Shore Cover Protection

The purpose of tree and shrubbery cutting regulations applicable to the Shore Land area is to protect scenic beauty, control erosion, and reduce effluent nutrient flow to the Shore Land. These provisions shall not apply to removal of dead, diseased, or dying trees or shrubbery, or to silvicultural thinning upon recommendation of a forester.

(1.) No more than thirty (30) feet in any lot or thirty (30) feet in any one hundred (100) feet, as measured along the ordinary high-water mark (whichever is more restrictive) may be cleared to the depth of the thirty-five (35) feet strip. A thirty-five (35) feet buffer strip will remain between thirty (30) feet openings on larger lots.

(2.) Natural shrubbery shall be preserved and, where removed, it shall be replaced with other natural vegetation equally effective in retarding runoff, preventing erosion, and preserving natural beauty.

(3.) Clear cutting shall be prohibited other than for clearing of an area for the principal structure, detached garage, storage shed, installation of a private septic system, twenty (20) foot wide roadway from a public road, or easement to the rear of the principal structure and the thirty (30) foot cutting described in Section 5.21.1(1.).

(4.) Where logging operations are being conducted adjacent to a waterway there shall remain a border of trees one hundred (100) feet in width back from the ordinary high-water mark along the entire shoreline. Harvesting of trees shall be in accordance with Section 5 Riparian Management Zones of *Wisconsin's Forestry Best Management Practices*.

5.21.2 Paths

Any path, or passage within the thirty-five (35) foot strip shall be constructed to a minimum necessary no greater than four (4) feet in width and be of a permeable surface so as to effectively control erosion.

5.21.3 Special Cutting Plans

(1.) As an alternative to Section 5.21.1 Purpose of Shore Cover Protection, a special cutting plan allowing greater cutting may be permitted by the Zoning Committee by issuance of a Shore Land Alteration Permit. In applying for such a permit, the committee shall require the lot owner to submit a sketch of their lot, including the following information: location of parking, gradient of the land, existing vegetation, proposed cutting, and proposed replanting. The committee may grant such a permit only if it finds that such special cutting plan:

(A.) Is in compliance with *Wisconsin's Forestry Best Management Practices*.

(B.) Meets the requirements of Section 3.06.2, (3.), (3. A., B., C., D., E., F.).

(C.) Cutting Plan for Mining Operations

As an additional alternative to Section 5.21.1, a special cutting plan may be approved by the County Board as part of the Mining Operations Permit issued in accordance with Section 20.03.4 of this ordinance.

5.22 FILLING, GRADING, LAGOONING, DREDGING, DITCHING, AND EXCAVATING

5.22.1 General standards of filling, grading, lagooning, dredging, ditching, or excavating, which does not require a permit under Section 5.26 may be permitted in the Shore Land area provided that:

(1.) It is done in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat including the use of siltation fences unless specifically exempted by the zoning administrator on the permit.

(2.) Filling, grading, lagooning, dredging, ditching, or excavating in a Shore Land/Wetland District meets the requirements of Section 5.30 of this ordinance.

- (3.) All applicable federal and state permits are obtained in addition, and prior, to a permit under this ordinance.
- (4.) Any fill placed in the Shore Land area is protected against erosion by the use of riprap, vegetative cover, or a bulkhead.

5.23 SHORE YARD ALTERATION PERMIT

All shore yard alterations require an approved erosion control plan.

A shore yard alteration permit is required for the construction of structures approved by special zoning permission, filling, grading, or landscaping of an area, walkways, stairs or boatlifts, if located in, on or over steep slopes or rock, saturated and unstable soils or in conjunction with the issuance of a Forest county Land use permit for construction in areas described in 5.23.1(A),(B), and (C) below.

A shore yard alteration permit is required for any dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within three hundred (300) feet of the OHWM of a navigable body of water, or where the goal is the ultimate connection with a navigable body of water.

(1) Except as provided in Section 5.24.1 following and 5.25 herunder, a Shore Yard Alteration Permit, issued by the Forest County Zoning Office, is required for the filling, grading, landscaping, lagooning, dredging, ditching or excavation of a shore yard in the following circumstances:

- (A.) Any filling, grading or landscaping on slopes of more than twenty (20%) percent.
- (B.) Filling, grading or landscaping of more than one thousand (1,000) square feet on slopes of twelve to twenty (12% to 20%) percent.
- (C.) Alterations on critical slopes of more than thirty-three (33%) percent must present plans to the Forest County Zoning Board For permit approval and may be required to employ the services of professional or experienced contractors to perform all phases of site alteration.

(2) All permit applications should include, but may not be limited to, the following information:

- a. Current owners name and address as listed on the Forest County Property Tax Roll.
- b. Description of property as listed on the Forest County Property tax roll.
- c. Location of property and boundaries to the nearest public road including fire number.
- d. The location of surface water and existing drainage patterns.
- e. Existing topography on contour maps of the site at intervals as indicated in the map legend.
- f. Locations of manmade features on or near the site.
- g. Existing elevations in relation to the adjacent body of water.
- h. Proposed erosion control measures during alteration activities and throughout the re-vegetative phase of the project.
- i. Description of the proposed re-vegetation of the altered site.
- j. Contractor information as requested by Forest County Zoning Office.

(3) Shore Yard Alteration Permits shall adhere to guidelines established in Section 4.11, 4.12 and 5.26 of Forest County Zoning Ordinance and follow recommendations described in "Wisconsin Best Management Practices Handbook".

(4) Alterations of more than ten thousand (10,000) square feet require a Chapter 30 permit from the Department of Natural Resources if any area slopes an drains to navigable waterway.

(5) All applicable federal and state permits must be obtained in addition and prior to a permit under this ordinance.

5.24 SOIL CONSERVATION PRACTICES AND AGRICULTURAL DRAINAGE MAINTENANCE

5.24.1 Soil conservation practices such as tiled terraces, run-off diversions, and grassed waterways used for erosion control shall not require a permit under Section 5.23 when designed and constructed to Soil Conservation Service technical standards.

5.25 AGRICULTURE DRAINAGE

The maintenance of existing agricultural drainage systems shall be permitted in conformity with the following construction standards:

(1.) The maintenance dredging of farm drainage ditches is limited to reestablishing the original ditch cross-section unless a special exception permit under Section 21.04 is obtained.

(2.) Ditch banks shall be constructed at a slop of two (2) horizontal to one (1) vertical (50% grade) or flatter.

(3.) Ditch banks shall be maintained in a sod cover and free woody vegetation.

(4.) A ten (10) foot wide buffer strip of untilled, un-grazed sod cover shall be maintained adjacent to the ditch bank.

5.26 PERMIT CONDITIONS

In granting a special exception permit under Section 5.23, the Board of Adjustment shall enforce the following, where appropriate, in addition to those provisions specified in Sections 5.26.2 and 5.26.3.

(1.) The smallest amount of bare ground shall be exposed for as short a time as feasible.

(2.) Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.

(3.) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.

- (4.) Lagoons shall be constructed to avoid fish trap conditions.
- (5.) Fill shall be stabilized according to accepted engineering standards.
- (6.) Filling shall comply with any local flood plain zoning ordinance and shall not restrict a flood way or destroy the flood storage capacity of a flood plain.
- (7.) Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical, or flatter, which shall be promptly vegetated, unless bulkheads or riprap are provided.

5.30 DESIGNATION

This district shall include all Shore Lands within the jurisdiction of this ordinance, (excluding point symbols) and which are shown on the Wisconsin Wetland Inventory maps that are adopted and made a part of this section. NR 115 requires counties to regulate all Shore Land wetlands, regardless of size, depicted on Wisconsin Wetland Inventory maps. Updated Inventory maps show all wetlands larger than two (2) acres. Where the wetland as a whole is five (5) acres or larger, but extends across the corporate limits of a municipality, across the county boundary, or across the Shore Land Limits, so that the wetland is not regulated in its entirety by the county.

Wetland water quality, wildlife, and aesthetic functions are more dependent on factors of landscape position, land-use context and surrounding habitat than size. Wetlands smaller than two (2) acres can play critical roles, both individually and cumulatively, in protecting water quality, and providing wildlife habitat and natural beauty. Any size limitation should be based on the feasibility of field delineation, rather than a notion that functions are insignificant below a certain size.

5.31 LOCATING SHORE LAND/WETLAND BOUNDARIES

Where an apparent discrepancy exists between the Shore Land/Wetland district boundary shown on the Wisconsin Wetland Inventory maps and actual field conditions at the time the maps were adopted, the zoning administrator shall contact the appropriate district office of the Department to determine if the Shore Land/Wetland district boundary as mapped is in error. If Department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. The zoning administrator shall initiate a map amendment to correct the discrepancy.

5.32 PURPOSE

This overlay district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty, and to control structure and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

5.32.1 Permitted Uses

- (1.) The following uses shall be allowed, subject to general Shore Land zoning regulations contained in this ordinance, the provisions of other applicable local state and federal laws:
 - (A.) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling, or excavating except as allowed under Sections 5.23 or 5.26.
 - (B.) Hiking, fishing, trapping, hunting, swimming, and boating.
 - (C.) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
 - (D.) The practice of silviculture, including the planting, thinning, and harvesting of timber.
 - (E.) The construction or maintenance of duck blinds
- (2.) Uses which do not require the issuance of a zoning permit and may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, only to the extent specifically provided below:
 - (A.) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
 - (B.) The cultivation of cranberries flooding, dike and dam construction, or ditching necessary for growing and harvesting of cranberries.
 - (C.) The maintenance and repair of existing agricultural drainage systems where permissible by *Wis. Stats.* 30.20, including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided, that filling is permissible by chapter 30 *Wis. Stats.*, and that dredged spoil is placed on existing spoil banks where possible.

- (D.) The construction or maintenance of piers, docks, or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.
 - (E.) The maintenance, repair, replacement, or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.
- (3.) Uses which require the issuance of a zoning permit under Section 5.23 and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specifically provided below:
- (A.) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
 - (a.) The road cannot, as a practical matter, be located outside the wetland.
 - (b.) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 5.33.2.
 - (c.) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.
 - (d.) Road construction activities are carried out in the immediate area of the roadbed only.
 - (B.) The construction or maintenance of non-residential structures, provided that:
 - (a.) The structure is essential for, and used solely in, conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals, or some other use permitted in the Shore Land /Wetland district.
 - (b.) The structure cannot, as a practical matter, be located outside the wetland.
 - (c.) Such structure is not for human habitation and does not exceed five hundred (500) square in floor area.
 - (d.) Only limited filling or excavating necessary to provide structural support for the structure is authorized.
- (4.) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
- (A.) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under ch.29, *Wis. Stats.*, where applicable.
 - (B.) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Section 5.32.1 (2.), (3.).
 - (C.) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
- (5.) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to the members and the construction or maintenance of railroad lines provided that:
- (A.) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland.
 - (B.) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 5.33.2.

5.32.2 Prohibited Uses

Any use not listed in Section 5.40.1, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with Section 5.33 of this section and Section 59.69 (5.)(e.), *Wis. Stats.*

5.33 REZONING OF LANDS IN THE SHORE LAND/WETLAND DISTRICT

5.33.1 DNR Notification

For all proposed text and map amendments to the Shore Lake/Wetland provisions of this ordinance, the appropriate local office of the Department shall be provided with the following:

- (1.) **A copy of every petition for a text or map amendment to the Shore Lake/Wetland provisions of this ordinance, within five (5) days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance, describing any proposed rezoning of a Shore Lake/Wetland.**
- (2.) Written notice of the public hearing to be held on a proposed amendment at least ten (10) days prior to such hearing.

(3.) A copy of the county zoning agency's findings and recommendations on each proposed amendment within ten (10) days after the submission of those findings and recommendations to the county board.

(4.) Written notice of the county board's decision on the proposed amendment within ten (10) days after it is issued.

533.2 Rezoning Standards

A wetland, or a portion thereof, in the Shore Land/Wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

(1.) Storm and flood water storage capacity.

(2.) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.

(3.) Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters.

(4.) Shoreline protection against soil erosion.

(5.) Fish spawning, breeding, nursery, or feeding grounds.

(6.) Wildlife habitat.

(7.) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

533.3 Rezoning Delayed or Superseded

If the Department notifies the county zoning agency that a proposed text or map amendment to the Shore Lake/Wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in Section 5.33.2 of this ordinance, that amendment, if approved by the county board, shall contain the following provision:

(1.) "This amendment shall not take effect until more than thirty (30) days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During the thirty (30) day period the Department of Natural Resources may notify the County Board that it will adopt a superseding Shore Lake ordinance for the county under Section 59.692(6.), *Wis. Stats.* If the Department does so notify the County Board, the effect of this amendment shall be stayed until the Section 59.692(6) adoption procedure is completed or otherwise terminated."

5.34 ZONING PERMITS

Except where another provision of this ordinance specifically exempts certain types of development from this requirement (as in Section 5.32.1(a.) and 20.03.4 Metallic Mining Permits, a zoning permit shall be obtained from the zoning office before any new development (development as defined in Section 23), or any change in the use of any existing structure, or structure, is initiated.

5.34.1 Variances and Special Except Permits

(1.) The Board of Adjustment created under Section 21 of this ordinance shall have jurisdiction over this section.

5.35 CHANGES AND AMENDMENTS

The County Board may, from time to time, alter, supplement, or change the boundaries of the overlay districts created in this section and the regulations contained in this section in accordance with the requirement of Section 59.69(5), *Wis. Stats.*, ch NR 115, *Wis. Adm. Code* and Section 22 of this ordinance where applicable.

535.1 Wisconsin DNR Notification

Petitions to change the overlay district boundaries or the regulations of Section 5.00 shall be mailed to the appropriate district office of the Department within five (5) days of the filing of the petition with the county clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate district office of the Department at least ten (10) days prior to the hearing.

535.2 A copy of the County Board's decision on each proposed amendment shall be forwarded to the appropriate district office of the Department within ten (10) days after the decision is issued.

Section 5.40 Flood Plain Zoning Regulations

5.40 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, AND TITLE

5.40.1 Statutory Authorization

These regulations are adopted pursuant to the authorization in *Wis. Stats.* 61.35 and 62.23, for villages, cities, and towns that adopted village powers and *Wis. Stats.* 59.69, 59.692, 59.694, and 87.30 for counties.

5.40.2 Finding of Fact

Uncontrolled development and use of the flood plains, rivers, or streams of this county would adversely affect the public health, safety, convenience, general welfare, and impair the tax base.

5.40.3 Statement of Purpose

To regulate development in flood hazard areas to protect life, health, and property, the County Board does ordain that the purpose of these rules is to:

- (1.) Protect life, health, and property.
- (2.) Minimize expenditures of public monies for costly flood control projects.
- (3.) Minimize rescue and relief efforts, generally undertaken at the expense of the tax-paying public.
- (4.) Minimize business interruptions which usually result in the loss of local incomes.
- (5.) Minimize damage to public facilities within the flood plains such as water mains, sewer lines, streets, and bridges.
- (6.) Minimize the occurrence of future flood blight areas on flood plains.
- (7.) Discourage the victimization of unwary land and home buyers.
- (8.) Prevent increases in regional flood heights that could increase flood damage and may result in conflicts or litigation between property owners.

5.40.4 Title

These regulations shall be known as the Flood Plain Zoning Regulations for Forest County, Wisconsin.

5.41 GENERAL PROVISIONS

5.41.1 Areas To Be Regulated

Areas regulated by this ordinance include all areas within the limits of the county that would be covered by the “regional flood” (defined in Section 23) and include “flood plain islands” (defined in Section 23) designated on the official map where emergency rescue and relief routes would be inundated by the regional flood.

5.41.2 Official Map

The boundary of the flood plain districts including the flood way, flood fringe, and other flood plain districts, are those areas designed as flood plains or A-Zones on the following map: Flood Hazard Boundary Maps prepared by the Federal Emergency Management Agency (FEMA) dated May 8, 1981, and Forest County General Flood Plain Maps prepared by the Wisconsin Department of Natural Resources, dated September 30, 1990, including the information in the General Flood Plain Determination Report, dated September 1990.

The official flood plain zoning map has been approved by the Department of Natural Resources and the Federal Emergency Management Agency (FEMA), and is on file in the office of the Forest County Zoning Administrator. If more than one map is referenced, the regional flood profiles govern boundary discrepancies according to Section 5.41.4.

5.41.3 Establishment of Districts

The regional flood plain areas are hereby divided into three districts defined in Section 23.

- (1.) The Flood Way District (FW).
- (2.) The Flood Fringe District (FF).
- (3.) The General Flood Plain District (GFP).

5.41.4 Locating Flood Plain Boundaries

(1.) Where an apparent discrepancy exists between the location of the outermost boundary of the flood fringe district or general flood plain district shown on the official flood plain zoning map and actual field conditions, the location shall be initially determined by the zoning administrator using the criteria in paragraphs (2.) or (3.) below. Where the zoning administrator finds there is a significant difference between the map and the actual field conditions, the map shall be amended using the procedures established in Section 5.48. Disputes between the zoning administrator and an applicant over the location of the district boundary line shall be settled according to Section 5.47.3(2.).

(2.) Where flood profiles exist, the location of the district boundary line shall be determined by the zoning administrator using both the scale appearing on the map and the elevations shown on the water surface profile of the regional flood. Where a discrepancy exists between the map, and actual field conditions, the regional flood elevations shall govern. A map amendment is required where there is a significant discrepancy between the map and actual field conditions. The zoning administrator shall have the authority to grant or deny a land-use permit on the basis of a district boundary derived from the elevations shown on the water surface profile of the regional flood, whether or not a map amendment is required. The zoning administrator shall be responsible for initiating any map amendments required under this section within a reasonable period of time.

(3.) Where flood profiles do not exist, the location of the district boundary line shall be determined by the zoning administrator using the scale appearing on the map, visual on-site inspection, and any available information provided by the Department. Where there is a

significant difference between the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by both the municipal governing body and the Department, the zoning administrator shall have the authority to grant or deny a land-use permit.

5.41.5 Removal of Lands From Flood Plain

Compliance with the provisions of this ordinance shall not be grounds for removing lands from the flood plain district, unless they are removed by filling to a height of at least two (2) feet above the regional flood elevation, the fill is contiguous to land lying outside the flood plain district, and the map is amended pursuant to Section 5.48. To remove flood insurance requirements, FEMA must first revise the Flood Insurance Rate Map or issue a Letter of Map Amendment or Revision.

5.41.6 Compliance

Any development as defined in Section 23, or use within the areas regulated by this ordinance, shall be in full compliance with the terms of his ordinance, and other applicable local, state, and federal regulations.

5.41.7 Municipalities And State Agencies Regulated

Unless specifically exempted by law, all cities, villages, and towns are required to comply with this section and obtain all necessary permits. State agencies are required to comply if *Wis. Stats.* 13.48(13.) applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when *Wis. Stats.* 30.12(4.) (a.) applies.

5.41.8 Abrogation And Greater Restrictions

(1.) This section supersedes all the provisions of any municipal zoning ordinance enacted under *Wis. Stats.* 59.69 or 59.692 for counties; *Wis. Stats.* 62.23 for cities; or *Wis. Stats.* 61.35 for villages or towns which adopted village powers, or *Wis. Stats.* 87.30, which relates to flood plains except that where another municipal or town zoning ordinance is more restrictive than the provisions contained in these regulations, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(2.) This section is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. However, where this section imposes greater restrictions, the provisions of this section shall prevail.

5.41.9 Interpretation

In their interpretation and application, the provisions of this section shall be understood to be minimum requirements liberally construed in favor of the governing body, and shall not be deemed a limitation on or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this section is required by a standard in ch. NR 116, Wis. Adm. Code, and where the section provision is unclear, the provision shall be interpreted in light of the ch. NR 116 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

5.41.10 Warning A Disclaimer Of Liability

The degree of flood protection provided by this section is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Larger floods may occur or the flood height may be increased by man-made or natural causes such as ice jams, or bridge openings restricted by debris. Therefore, this section does not imply that areas outside of the delineated flood plain, or permitted land uses within the flood plain, will be totally free from flooding and associated flood damages. Nor does this section create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this section.

5.41.11 Severability

Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.

5.42 GENERAL STANDARDS APPLICABLE TO ALL FLOOD PLAIN DISTRICTS

5.42.1 Hydraulic And Hydro Logic Analyses

(1.) **No development, except as provided in par. (B.) below, shall be allowed in flood plain areas which will:**

(A.) **Cause an obstruction to flow, defined in Section 23 as any development which physically blocks the conveyance of flood waters by itself, or in conjunction with, future similar development causing an increase in regional flood height.**

(B.) **Cause an increase in regional flood height due to flood plain storage area lost, which is equal to, or exceeding one-hundredth (0.01) foot.**

(2.) **Obstructions or increases equal to, or greater than, one-hundredth (0.01) foot may only be permitted if amendments are made to this section, the official flood plain zoning maps, including flood way lines and water surface profiles, in accordance with Section 5.48, and only if the total cumulative effect of the proposed development will not increase the height of the regional flood more than one-hundredth (1.0) foot for the affected hydraulic reach of the stream unless a waiver is secured from FEMA for the one-hundredth (1.0) foot maximum increase (Rev. July 1991).**

(3.) **The zoning administrator shall deny permits where it is determined the proposed development will cause an obstruction to flow, or increase in regional food height of one-hundredth (0.01) foot or greater.**

5.42.2 Watercourse Alterations

Prior to any alteration or relocation of a watercourse, and prior to the issuance of any land-use permit which may be required for the alteration or relocation of a watercourse, the local zoning official shall notify in writing, adjacent municipalities, the appropriate district office of the Department of Natural Resources, and the appropriate office of FEMA and shall require the applicant to secure all necessary state and federal permits. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

5.42.3 Chapter 30, 31, *Wis. Stats.*, Development

Development which requires a permit from the Department of Natural Resources, under chapter 30 and 31, *Wis. Stats.*, such as docks, piers, wharves, bridges, culverts, dams, and navigational aids may be allowed provided the necessary local permits are obtained and necessary amendments to the official flood way lines, water surface profiles, flood plain zoning maps, or flood plain zoning section of this ordinance, are made according to Section 5.40.

5.43 FLOOD WAY DISTRICT (FW)

5.43.1 Applicability

The provisions of this section apply to all areas mapped as flood way on the official flood plain zoning maps, and to those portions of the general flood plain district determined to be flood way according to the procedures in Section 5.45.4.

5.43.2 Permitted Uses

The following open space uses are allowed in the flood way district and the flood way portion of the general flood plain district, providing they are not prohibited by any other section and they meet the standards in Sections 5.43.3 and 5.43.4. All permits or certificates have been issued according to Sections 5.47.1 and 20.03.4:

(1.) Agricultural uses, such as: general farming, pasturing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(2.) Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips.

(3.) Nonstructural private and public recreational uses, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas. Parks, wildlife, nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap, skeet ranges, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of Section 5.43.3(4.).

(4.) Uses or structures accessory to open space uses, or those classified as historic structures, which are not in conflict with the provisions in Sections 5.43.3 and 5.43.4 (Rev. federal rule October 1990).

(5.) Extraction of sand, gravel, or other materials according to Section 5.43.4(4.).

(6.) Functionally water-dependent uses such as: docks, piers or wharves, including those used as part of a marina, and other water-related uses such as dams, flowage areas, culverts, navigational aids, and river crossings of transmission lines, and pipelines, according to chapters 30 and 31 *Wis. Stats.*

(7.) Public utilities, streets, and bridges, according to Section 5.43.3(3.) and Section 20.03.4.

5.43.3 Standards For Developments In Flood Way Areas

(1.) General: Any development in flood way areas shall meet all of the provisions of Section 5.42 and have a low flood damage potential. Applicants shall provide the following data for the zoning administrator to determine the effects of the proposal according to Section 5.42.1

(A.) A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether the proposed development will obstruct flow.

(B.) An analysis calculating the effects of this proposal on regional flood height. The zoning administrator shall deny the permit application where it is determined the project will increase flood elevations upstream or downstream one-hundredth (0.01) foot or more, based on the data submitted.

(2.) Structures: In, or over flood way areas, only structures which are accessory to permanent open space uses. Those classified as historic structures, or are functionally dependent on a waterfront location, may be allowed by permit, providing the structures meet all of the following criteria: (Rev. federal rule October 1990).

(A.) The structures are not designed for human habitation, or associated with high flood damage potential.

(B.) The structures are constructed and placed on the structure site so as to cause an increase less than 0.01 foot in flood height and offer minimum obstruction to the flow of flood waters. Structures shall be constructed with the longitudinal axis parallel to the direction of flow of flood waters, and approximately on the same line as those of adjoining structures.

(C.) The structures are firmly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river.

(D.) The structures have all service facilities such as electrical and heating equipment at or above the flood protection elevation for the particular area.

(3.) Public utilities, streets and bridges, or mining-related activities authorized under a Mining Operations Permit issued pursuant to Section 20.03.4 by permit, provided that:

(A.) Adequate flood-proofing measures are provided to the flood protection elevation.

(B.) Construction does not cause an increase in the regional flood height according to Section 5.42.1, except where the water surface profiles, flood plain zoning maps, and flood plain zoning section of this ordinance are amended, as needed to reflect any changes resulting from such construction.

(4.) Fills or deposition of materials may be allowed by permit, provided that:

(A.) The requirements of Section 5.42.1 are met.

(B.) The fill or deposition of materials does not encroach on the channel area between the ordinary high-water mark on each bank of the stream unless a permit has been granted by the Department of Natural Resources pursuant to chapter 30, *Wis. Stats.*, and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334 has been issued, if applicable, and the other requirements of this section are met.

(C.) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling, or bulk heading sufficient to prevent erosion.

(D.) Such fills are not associated with private or public solid waste disposal.

5.43.4 Prohibited Uses

All uses not listed as permitted uses in Section 5.43.2 are prohibited within the flood way district and in the flood way portion of the general flood plain district including the following uses which are always prohibited in the flood way.

(1.) Structures in, on, or over, flood way areas that are designed for human habitation, associated with high flood damage potential, or not associated with permanent open-space uses.

(2.) The storage of any materials that are capable of: floating, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life.

(3.) Any uses which are not in harmony with, or which may be detrimental to, the uses permitted in the adjoining districts.

(4.) Any private or public sewage systems except portable latrines that are removed prior to flooding, and systems associated with recreational areas and Department approved campgrounds, that meet the applicable provisions of local ordinances and COMM 83, *Wis. Adm. Code*.

(5.) Any public or private wells that are used to obtain water for ultimate human consumption, except those for recreational areas that meet the requirements of local ordinances and chapters NR 111, and NR 112, *Wis. Adm. Code*.

(6.) Any solid or hazardous waste disposal sites, public or private.

(7.) Any wastewater treatment ponds or facilities except those permitted under Section NR 110.15(3.)(b.). *Wis. Adm. Code*.

(8.) Any sanitary sewer or water supply lines except those to service existing or proposed development located outside the flood way which complies with the regulations for the flood plain area occupied.

5.44 FLOOD FRINGE DISTRICT (FF)

Applicability: The provisions of this section apply to all areas within the flood fringe district, as shown on the official flood plain zoning maps, and to those portions of the general flood plain district that are determined to be in the flood fringe area pursuant to Section 5.45.4.

5.44.2 Permitted Uses

Any structure, land use, or development, including accessory structures and uses and mining-related activities pursuant to Section 20.03.4 are allowed within the flood fringe district and flood fringe portions of the general flood plain district, provided the standards contained in Section 5.44.3 are met, that the use is not prohibited by this or any other ordinance or any other local, state, or federal regulation and that all permits or certificates specified in Section 5.47.1 have been issued.

5.44.3 Standards For Development In Flood Fringe Areas

All of the provisions of Section 5.42.1 shall apply in addition to the following requirements according to the use requested.

(1.) Residential Uses: Any structure or structure used for human habitation, including mobile/manufactured homes, which is to be erected, constructed, reconstructed, altered, or moved into the flood fringe area shall meet or exceed the following standards.

(A.) The elevation of the lowest floor excluding the basement or crawl way, shall be at, or above, the flood protection elevation (which is a point two (2) feet above the regional flood elevation) on fill except where par. (2.) is applicable. The fill elevation shall be one (1) foot, or more, above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The Department may authorize other flood-proofing measures where existing streets or sewer lines are at elevations that make compliance impractical provided the Board of Adjustment/Appeals grants a variance due to dimensional restrictions.

- (B.) The basement or crawl way floor may be placed at the regional flood elevation providing it is flood-proofed to the flood protection elevation. No permit or variance shall allow any basement or crawl way below the regional flood elevation.
 - (C.) Contiguous, dry land access, defined in Section 23 as a vehicle access route above regional flood elevation, shall be provided from a structure, or structure to land, which is outside the flood plain, except as provided in par. (D.) below.
 - (D.) In existing development where existing streets or sewer lines are at elevations which make compliance with par. (3.) impractical, the county may only permit via the conditional use process new development and substantial improvements where access roads are at, or below, the regional flood elevation.
 - (a.) Written assurance is provided from the appropriate local units of police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles, considering the anticipated depth, duration, and velocity of the regional flood event.
 - (b.) The county or local municipality has an adequate natural disaster plan concurred with the Division of Emergency Government and approved by the Department.
- (2.) Mobile homes and manufactured homes (Rev. federal rule October 1990).
- (A.) Owners or operators of all mobile manufactured home parks and subdivisions located in the regional flood plain shall provide for adequate surface drainage to minimize flood damage and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with the appropriate local emergency management authorities.
 - (B.) In existing mobile home parks, all new homes with new pads, replacement units on existing pads, and substantially improved mobile/manufactured homes, and recreational vehicles that remain on-site in excess of one hundred eighty (180) days, or are unlicensed, or not ready for highway use, and which are placed or improved on a site located in the regional flood plain shall:
 - (a.) Have the lowest floor elevated to the regional flood elevation.
 - (b.) Be anchored so they do not float, collapse, or move laterally during a flood.
 - (C.) Outside existing mobile home parks, all new, replacement, and substantially improved mobile/manufactured homes and recreational vehicles that remain on-site in excess of one hundred eighty (180) days, are not licensed, or which are not ready for highway use, and which are placed or improved on a site located in the regional flood plain shall meet the residential development standards for the flood fringe in Section 5.44.3(1.).

(3.) Accessory Structures Or Uses

An accessory structure or use as defined in Section 23, not connected to a principal structure, including nonresidential agricultural structures, shall meet all the applicable provisions of Section 5.43.3. A lesser degree of protection, compatible with these criteria and the criteria in sub.c. may be permissible for an accessory structure or use providing the site is not inundated to a depth greater than two (2) feet or subjected to flood velocities greater than two (2) feet per second during the regional flood.

(4.) Commercial Uses

Any commercial structure or structure which is to be erected, constructed, reconstructed, altered, or moved, into the flood fringe area shall meet the requirements of Section 5.44.3(1.). Storage yards, parking lots, and other accessory structures or land uses may be at lower elevations, subject to the requirements of Section 5.44.3(2.). However, no such area in general use by the public shall be inundated to a depth greater than two (2) feet or subjected to flood velocities greater than two (2) feet per second during the regional flood. Inundation of such yards or parking areas exceeding two (2) feet may be allowed provided an adequate warning system exists to protect life and property.

(5.) Manufacturing And Industrial Uses

Any manufacturing, or industrial structure or structure which is to be erected, constructed, reconstructed, altered, or moved into the flood fringe area shall be protected to the flood protection elevation utilizing fill, levees, flood walls, adequate flood-proofing measures in accordance with Section 5.47.5, or any combination thereof. On streams or rivers having prolonged flood durations, greater protection may be required to minimize interference with normal plant operations. A lesser degree of protection, compatible with the criteria in par. (4.), and (6.) may be permissible for storage yards, parking lots, and other accessory structures or uses.

(6.) Storage Materials

The storage of materials that are buoyant, flammable, explosive, or which in times of flooding, could be injurious to property, water quality, or human, animal, plant, fish or aquatic life, shall be at or above the flood protection elevation for the particular area or flood-proofed in compliance with Section 5.47.5. Adequate measures shall be taken to assure that said materials will not enter the river or stream during flooding.

(7.) Public Utilities, Streets, and Bridges

All utilities, streets, and bridges, and all facilities and structures related to a Mining Operations Permit issued pursuant to Section 20.03(4.) should be designed to be compatible with the local comprehensive flood plain development plans.

- (A.) When failure or interruption of public utilities, streets, and bridges or other structures authorized under a Mining Operations Permit issued pursuant to Section 20.03 (4.), would result in danger to the public health or safety, or where such facilities are essential to the orderly functioning of the area, construction of and substantial improvements to such facilities may only be permitted if they are flood proofed, in compliance with Section 5.47.5, to the flood protection elevation.
- (B.) Minor or auxiliary roads or nonessential utilities and mining-related activities pursuant to Section 20.03(4.) may be constructed at lower elevations providing they withstand flood forces to the regional flood elevation.

(8.) Sewage Systems

All on-site sewage disposal systems shall be flood proofed to the flood protection elevation and shall meet the applicable provisions of all local ordinances and COMM.83, *Wis. Adm. Code*.

(9.) Wells

All public or private wells shall be flood proofed to the flood protection elevation pursuant to Section 5.47.5, and shall meet the applicable provisions of Chapters NR 111, and NR 112, *Wis. Adm. Code*.

(10.) Solid Waste Disposal Sites

All public or private solid or hazardous waste disposal sites are prohibited in flood fringe areas.

(11.) Deposition of Materials

Any materials deposited for any purpose may only be allowed if all the provisions of this ordinance are met.

5.45 GENERAL FLOOD PLAIN DISTRICT (GFP)

5.45.1 Applicability

The provisions for this district shall apply to all flood plains for which regional flood data, as defined in Section 23, is not available, or where regional flood data is available, but flood ways have not been delineated. As adequate regional flood data becomes available and flood ways are delineated for portions of this district, such portions shall be designated in the flood fringe district or flood way district, as appropriate.

5.45.2 Permitted Uses

The general flood plain district encompasses both flood way and flood fringe areas. Therefore, a determination shall be made pursuant to Section 5.44, to determine whether the proposed use is located within a flood way or flood fringe area. Those uses permitted in flood ways (Section 5.43.2) and flood fringe areas (Section 5.44.2) including mining-related activities authorized under a Mining Operations Permit issued pursuant to Section 20.03 (4.) are allowed within the general flood plain district, according to the standards of section 5.45.3 and provided that all permits or certificates required under Section 5.47.1 have been issued.

5.45.3 Standards For Development In the General

Flood Plain District

Once it is determined according to Section 5.45.4 that a proposed use is located within a flood way, the provisions of Section 5.43 shall apply. Once determined that the proposed use is located within the flood fringe, the provisions of Section 5.44 shall apply. All provisions of the remainder of this ordinance apply to either district.

5.45.4 Determining Flood Way And Flood Fringe Limits

Upon receiving an application for development within the general flood plain district, the zoning administrator shall:

(1.) Require the applicant to submit, at the time of application, two (2) copies of an aerial photograph, or a plan which accurately locates the proposed development with respect to the general flood plain district limits, channel of stream, existing flood plain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, structure floor elevations, and flood-proofing measures.

(2.) Require the applicant to furnish any of the following additional information as is deemed necessary by the Wisconsin Department of Natural Resources for evaluation of the effects of the proposal upon flood height and flood flows, the regional flood elevation and where applicable to determine the boundaries of the flood way:

(A.) The typical valley cross-section showing the channel of the stream, the flood plain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high-water information.

(B.) Plan (surface view) showing: elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.

(C.) Profile showing the slope of the bottom of the channel or flow line of the stream.

(D.) Specifications for structure construction and materials, flood proofing, filling, dredging, channel improvement, storage of materials, water supply, and sanitary facilities.

(3.) Transmit one copy of the information described in Section 5.45.4 (1.), and (2.) to the Department district office along with a written request for technical assistance to establish regional flood elevations and, where applicable, flood way data. Where the provisions of Section 5.47.1(2)(C.) apply, the applicant shall provide all required information and computations, to delineate flood way boundaries and the effects of the project on flood elevations.

5.46 NONCONFORMING USES

5.46.1 General

(1.) Applicability: Insofar as the standards in this section are not inconsistent with the provisions of *Wis. Stats.* 59.69(10.) for counties or *Wis. Stats.* 62.23(7)(h.) for cities, villages, or towns that have adopted village powers, they shall apply to all nonconforming uses and

nonconforming structures. These regulations apply to the modification of, or addition to, any structure and to the use of any structure or premises that was lawful before the passage of this ordinance, or any amendment thereto.

(2.) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- (A.) No modifications or additions to a nonconforming use or a nonconforming structure shall be permitted unless they are made in conformity with the provisions of this ordinance for the area of the flood plain occupied. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, restructure, or replacement of any such existing use, structure, or accessory structure or use. Ordinary maintenance repairs are not considered modifications or additions. These include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components and the maintenance, repair, or replacement of existing private sewage or water supply systems or connections to public utilities.
- (B.) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, it is no longer permitted and any future use of the property, and any structure or structure thereon, shall conform to the applicable requirements of this section.
- (C.) As requests are received by the county or municipality for modifications or additions to nonconforming uses or nonconforming structures, a record shall be kept which lists the percentage of the structure's total current value those modifications represent. (Rev. July 1991).
- (D.) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed fifty (50%) percent as described in Section 3.06 of this ordinance, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 5.44.3(1.).
- (E.) If any nonconforming structure or any structure with a nonconforming use is destroyed or is so badly damaged that it cannot be practically restored, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the requirements of this ordinance. For the purpose of this subsection, restoration is deemed impractical where the total cost of such restoration would exceed fifty (50%) percent of the CEAV and any accumulated percentage as described in 3.06 of this ordinance.

5.46.2 Flood Way Areas

(1.) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a flood way area, unless such modification or addition:

- (A.) Has been granted a permit or special condition variance which meets the flood way requirements of this ordinance.
- (B.) Meets the requirements of 5.46.1
- (C.) Will not increase the obstruction to flood flows or regional flood height.
- (D.) Any addition to the existing structure shall be flood proofed, pursuant to Section 5.47, by means other than the use of fill, to the flood protection elevation.

(2.) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a governmental agency to correct a hazard to public health, shall be allowed in a flood way area. Any replacement, repair, or maintenance of an existing on-site sewage disposal system in a flood way area shall meet the applicable requirements of all municipal ordinances and COMM. 83, *Wis. Adm. Code*.

(3.) No new well or modification to an existing well, used to obtain water for ultimate human consumption, shall be allowed in a flood way area. Any replacement, repair, maintenance, of an existing well in a flood way area shall meet the applicable requirements of all municipal ordinances and Chapter NR 111, and NR 112, *Wis. Adm. Code*.

5.46.3 Flood Fringe Areas

(1.) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality. In addition, the modification or addition shall be placed on fill or flood proofed to the flood protection elevation in compliance with the standards for that particular use in Section 5.44.3, except where Section 5.46.3(2.) is applicable.

(2.) Where compliance with the provision of par. (1.) would result in unnecessary hardship, and only where the structure will not be used for human habitation, or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in Section 21.0, may grant a variance from those provisions for modifications or additions, using the criteria listed below. Modifications or additions that are protected to elevations lower than the flood protection elevation may be permitted provided:

- (A.) No floor is allowed below the regional flood elevation for residential or commercial structures.
- (B.) Human lives are not endangered.

- (C.) Public facilities, such as water or sewer, will not be installed.
 - (D.) Flood depths will not exceed two (2) feet.
 - (E.) Flood velocities will not exceed two (2) feet per second.
 - (F.) The structure will not be used for storage of materials described in Section 5.44.3(6.).
- (3.) If neither the provisions of par. (1.), nor (2.) above can be met, an addition to an existing room in a nonconforming structure or a structure with a nonconforming use may be allowed in the flood fringe on a one-time basis only, if the addition:
- (A.) Meets all other regulations and will be granted by permit or variance.
 - (B.) Does not exceed sixty (60) square feet in area.
 - (C.) In combination with other previous modifications or additions to the structure, does not exceed fifty (50%) of the CEAV of the structure as computed in Section 3.06.
 - (D.) All new private sewage disposal systems, or addition to, replacement, repair, or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and COMM. 83, *Wis. Adm. Code*.
- (4.) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this section and chapter NR 111, and NR 112, *Wis. Adm. Code*.

5.47 ADMINISTRATION

The County Zoning Administrator, and the Board of Adjustment (see Section 21) shall administer this section.

5.47.1 Zoning Administration

(1.) The County Zoning Administrator is hereby authorized to administer the provisions of this section and shall have the following duties and powers.

- (A.) Advise applicants of the provisions of this section; provide them with permit applications and appeals, and assure the regional flood elevation for the proposed development is shown on all permit applications.
- (B.) Issue permits and inspect properties.
- (C.) Keep records of all official actions such as:
 - (a.) All permits issued.
 - (b.) Work approved.
 - (c.) Documentation of certified lowest floor and regional flood elevations for flood plain development.
 - (d.) Records of water surface profiles, flood plain zoning maps and ordinances, nonconforming and structures including changes, appeals, variances, and amendments.
- (D.) Submit copies of the following items to the Department district office:
 - (a.) Within ten (10) days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.
 - (b.) Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of flood plain zoning actions taken.
- (E.) Investigate, prepare reports, and report violations of this section to the appropriate municipal zoning agency and the municipal attorney for prosecution. Copies of the violation reports shall also be sent to the Department district office.
- (F.) Submit copies of text and map amendments and bi-annual reports to the regional office of FEMA (Federal Emergency Management Agency).

(2.) Land-Use Permit

Unless a Mining Operations Permit has been obtained pursuant to Section 20.03.4, a land-use permit shall be obtained from the zoning administrator before any new “development” as defined in Section 23, or any change in the use of an existing structure or structure including sewage disposal systems and water supply facilities may be initiated. Application for a Mining Operations Permit shall be made as provided in Section 20.03.4. Application shall be made to the zoning administrator upon furnished application forms and shall include the following data.

(A.) General information: Site development plan shall be made as provided in Section 20.03.1.

(B.) Additional information required.

(a.) Location and elevation of existing or future access roads.

(b.) Location of flood plain and flood way limits on the property as determined from the official flood plain zoning maps.

(c.) The elevation of the lowest floor of proposed structures and any file using National Geodetic and Vertical Datum (NGVD).

(d.) Data sufficient to determine the regional flood elevation in NGVD at the location of the development and to determine whether or not the requirements of Section 5.43 or Section 5.44 are met.

(e.) Data sufficient to determine if the proposed development will cause either an obstruction to flow, or an increase in regional flood height or discharge according to Section 5.42.1. This may include any of the information noted in Section 5.43.3(1.).

(3.) Data Requirements To Analyze Developments

The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities, and flood plain storage, for all subdivision proposals, as “subdivision” is defined in Section 236, *Wis. Stats.*, and other proposed developments exceeding ten (10) acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:

(A.) An analysis of the effect of the development on the regional flood profile, velocity of flow and flood plain storage capacity.

(B.) A map showing location and details of vehicular access to lands outside of the flood plain.

(C.) A surface drainage plan with adequate details showing how flood damage will be minimized.

(D.) The estimated cost of the proposal shall include all structural development, landscaping improvements, access and road development, electrical and plumbing, and similar items reasonable applied to the overall development costs, but need not include land costs.

(4.) DNR Data

The Department will determine regional flood elevations and evaluate the proposal where the applicant is not required to provide computations as above, and inadequate data exists Forest County may transmit additional information such as the data in Section 5.45.4(1.) where appropriate, to the Department with the request for analysis.

(5.) Expiration

All permits issued under the authority of this section shall expire one (1) year from the date of issuance.

5.47.2 Other Permits

The applicant must secure all other necessary permits from all appropriate federal, state, and local agencies, including those

required by the U.S. Army Corps of Engineers under Section 404 of the *Federal Water Pollution Control Act* amendments of 1972, 33 U.S.C. 1334.

5.47.3 Board of Adjustment

(1.) Powers

The Board created under Section 21, is hereby authorized to act as the Board of Adjustment for the purposes of these flood plain regulations.

(2.) Boundary Disputes

The following procedure shall be used by the Board of Adjustment in hearing disputes concerning the district boundaries shown on the official flood plain zoning map.

(A.) Where a flood plain district boundary is established by approximate or detailed flood plain studies the regional flood elevations or profiles for the point in question shall be the governing factor in locating the district boundary. If no regional flood elevations or profiles are available to the board, other available evidence may be examined.

(B.) In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present arguments and technical evidence to the Board of Adjustment.

(C.) Where it is determined that the district boundary is incorrectly mapped, the board should inform the zoning committee or the person contesting the location of the boundary to petition the governing body for a map amendment according to Section 5.48.

(3.) Special Condition Variance

Notwithstanding the provisions of Sections 3.0 and 21.0, the Zoning Board of Appeals shall not, in considering variances to these flood plain regulations.

- (A.) Permit a lower degree of flood protection in the flood plain than the flood protection elevation.
- (B.) Allow any floor of a basement or crawl way below the regional flood elevation for residential or commercial structures.
- (C.) Allow actions without the amendments to this ordinance or map(s) required in Section 5.48.1.
- (D.) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure. (Rev. federal rule October 1990).

(4.) Variance Notification

When a variance is granted in a flood plain area, the Board shall notify the applicant in writing that increased flood insurance premiums and risks to life and property may result. A copy of this notification shall be maintained with the variance appeal record.

5.47.4 Basis For Review Of Appeals Of Permit Denials

(1.) In acting under Section 5.47.3 preceding, the Board of Adjustment shall review all data constituting the basis for the appeal of permit denial. This data may include (where appropriate):

- (A.) Permit application data listed in Section 5.47.1(2.).
- (B.) Flood way/flood fringe determination data in Section 5.45.4.
- (C.) Data listed in Section 5.43.3(1.) where the applicant has not submitted this information to the zoning administrator.
- (D.) Other data submitted to the zoning administrator with the permit application, or submitted to the Board with the appeal.

(2.) For appeals concerning increases in regional flood elevation the Board shall:

- (A.) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to, or greater than, one-hundredth (0.01) foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
- (B.) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to, or greater than, one-hundredth (0.01) foot provided no other reasons for denial exist.

5.47.5 Flood Proofing

(1.) No permit or special condition variance shall be issued until the applicant submits a plan or document certified by a registered professional engineer or architect that the flood proofing measures are adequately designed to protect the structure or development to the flood protection elevation.

(2.) Flood proofing measures shall be designed to:

- (A.) Withstand the flood pressures, depths, velocities, uplift and impact forces, and other factors associated with the regional flood.
- (B.) Assure protection to the flood protection elevation.
- (C.) Provide anchorage of structures to foundations to resist flotation and lateral movement.
- (D.) Insure that the structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding, without human intervention.

(3.) Flood-proofing measures could include:

- (A.) Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris.
- (B.) Addition of mass or weight to structures to prevent floatation.
- (C.) Placement of essential utilities above the flood protection elevation.
- (D.) Surface or subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures.
- (E.) Construction of water supply wells, and waste treatment systems to prevent the entrance of flood waters into the systems.
- (F.) Cutoff valves on sewer lines or elimination of gravity flow basement drains.

547.6 Public Information Of Flood Potential

(1.) Where useful, marks on bridges or structures or other markers may be set to show the depth of inundation during the regional flood at appropriate locations within the flood plain.

(2.) All available information in the form of maps, engineering data, and regulations shall be readily available and should be widely distributed.

(3.) All legal descriptions of property in the flood plain should include information relative to the flood plain zoning classification when such property is transferred.

5.48 AMENDMENTS TO FLOOD MAPS

548.1 General

The governing body may change or supplement the boundaries of the flood plain zoning districts and the regulations contained in this ordinance in the manner provided by Section 22 of this ordinance. Actions which require an amendment include, but are not limited to, the following:

(1.) Any change to the official flood plain zoning map including the flood way line or boundary of any flood plain area.

(2.) Correction of significant discrepancies between the water surface profiles and flood plain zoning maps.

(3.) Any fill in the flood plain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the flood plain.

(4.) Any fill or encroachment into the flood plain that will obstruct flow causing an increase of one-hundredth (0.01) foot or more in regional flood height.

(5.) Any upgrading of flood plain zoning ordinances text required by Section NR 116.05, *Wis. Adm. Code*, or otherwise required by law, or for changes by the municipality.

5.48.2 Flood Plain Map Amendment Procedures

Amendments to flood plain maps may be made upon petition of any interested party according to the provisions of this section and Section 22.0. Such petitions shall include all necessary data required by Sections 5.45.4 and 5.47.1(2.).

(1.) Copies of the proposed amendment and notice of the public hearing shall be submitted to the appropriate District office of the Department of Natural Resources for review prior to the hearing.

(2.) No amendment to the maps or text of this ordinance shall become effective until reviewed and approved by the Department.

(3.) All persons petitioning for a map amendment which involves an obstruction to flow causing an increase of one-hundredth (0.01) foot or more in the height of the regional flood shall obtain flooding easements, or other appropriate legal arrangements, from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

(4.) When considering amendments to the official flood plain zoning map, in areas where no water surface profiles exist, the county shall consider data submitted by the Department, the zoning administrator's visual on-site inspections and other available information. (See Section 5.41.4).

5.49 ENFORCEMENT AND PENALTIES

In addition to the enforcement and penalties of Section 20, every violation of this section is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the county or local municipality, the state, or any citizen thereof pursuant to *Wis. Stats.* 87.30.

SECTION 6: GENERAL RURAL DISTRICTS (GR)

6.01 INTENT

This district is intended for areas where the general characteristic is, and should remain, that of open rural land consisting mostly of forest or farmland, with significant space between residences and other development. A range of different types of uses are possible. The key to avoiding conflict among uses will be primarily allowing enough space between them, and setting standards which will minimize impacts on neighboring property.

6.02 MAPPING GUIDELINES

This district will cover the vast majority of land in Forest County including areas of population concentrations, rural subdivision areas, and lakeshore areas. This district should cover areas that will not receive or require public water and sewer facilities.

6.03 MINIMUM LOT AREA

(1.) Two (2) acres or more to provide enough land for access drive, structures, required setbacks, and sanitary system.

(2.) One (1) residence per lot area, minimum floor area of seven hundred twenty (720) square feet.

6.04 MINIMUM LOT FRONTAGE

Town and forest services roads: Two hundred (200) feet. County road: Two hundred fifty (250) feet. State or federal highways: Three hundred (300) feet. See Minimum Road Frontage Section 4.01.1.

6.05 SETBACK FROM ROAD OR STREET

See Section 4.01 Highway Setbacks And Visibility At Intersections for setbacks from road or street.

6.06 SIDE YARD AND REAR YARD SETBACKS

(1.) Rear yard setback of twenty (20) feet, except where separately regulated as Shore Land setback, or reverse fronting roadway setback.

(2.) Side yard setback of Twenty (20) feet, except where separately regulated as Shore Land setback, or reverse fronting roadway setback.

6.07 MAXIMUM LOT COVERAGE

(1.) Thirty-five (35%) percent. One-half (½) acre to one and one-half (1.5) acres.

(2.) Twenty (20%) percent over one-half (½) acre to one and one-half (1.5) acres.

(3.) Ten (10%) percent for parcels over one and one-half (1.5) acres.

6.08 MAXIMUM HEIGHTS

Deleted 2/2/04

6.09 OTHER RELEVANT SECTIONS

other sections of this ordinance contain general standards which may apply to uses in this district: Section 4, Supplementary District Regulations; Section 5, Shore Lake Regulations (for areas within three hundred (300) feet of streams and one thousand (1,000) feet of lakes; Section 18, Parking and Driveways; and Section 19, Signs, etc.

6.10 PERMITTED AND CONDITIONAL USES

See Section 14.

SECTION 7: UNINCORPORATED VILLAGE RESIDENTIAL DISTRICT (VR)

7.01 INTENT

This district is for residential uses in non-sewered development and should be more compact than in open rural areas. It should generally be concentrated on new interior roads or lesser-traveled town road systems.

7.02 MAPPING GUIDELINES

This district will include existing non-sewered residential areas, subdivision concentrations, village residential platted areas, and additional undeveloped land suitable for expansion of these areas. Land for which sewer service is planned or expected in the future should not be included.

7.03 MINIMUM LOT AREA

(1.) These minimum lot areas are for existing lots mapped VR or VRP, or new lots rezoned VR or VRP with public sewer and water. These lot sizes may be larger to provide enough land for access drive, structures, required setbacks, and sanitary system.

(A.) Village residential one-half (½) acre.

(B.) Village residential platted fifteen thousand (15,000) square feet.

7.04 MINIMUM LOT FRONTAGE

One hundred (100) feet.

7.05 NUMBER OF RESIDENCES PER LOT

One (1) residence structure per lot with minimum floor area of seven hundred twenty (720) square feet. Manufactured/Mobile Homes placed on VR or VRP lots must be a minimum of fourteen (14) feet in width from the factory.

7.06 HIGHWAY SETBACKS

See Section 4.01 Highway Setbacks And Visibility At Intersections for setbacks from road or street.

7.07 REAR AND SIDE YARD WIDTHS

Fifteen (15) feet from the lot line except where separately regulated as Shore Land setbacks or reverse fronting roadway setbacks.

7.08 MAXIMUM LOT COVERAGE

Thirty-five (35%) percent.

7.09 MAXIMUM HEIGHT

Twenty-five (25) feet. Any application which requests the height of any structure to exceed the amount set forth herein shall be allowed subject to a conditional use permit. **Rev. 2/2/04**

7.10 OTHER RELEVANT SECTIONS

Other sections of this ordinance contain general standards which may apply to uses in this district: Section 4, Supplementary District Regulations; Section 5, Shore Land Regulations for areas within three hundred (300) feet of streams and one thousand (1,000) feet of lakes; Section 18, Parking and Driveways; Section 19, Signs, etc.

7.11 PERMITTED AND CONDITIONAL USES

See Section 14.

SECTION 8: UNINCORPORATED VILLAGE COMMERCIAL DISTRICT (VC)

8.01 INTENT

This district provides for commercial, retail, and service businesses in non-sewered unincorporated villages. The area may have homes and businesses interspersed, therefore development allowed in the Village Residential District is also allowed here.

8.02 MAPPING GUIDELINES

The district will include areas within existing non-sewered unincorporated villages where commercial uses exist, or where new ones can be suitably located. In order to avoid spot zoning, district boundaries will often include residences that are located between commercial uses. Expansion of this district through map amendment shall be based on need for commercial land, and should usually consist of expanding to adjacent areas.

8.03 MINIMUM LOT AREA

One (1) acre or more to provide enough buildable land for access drive, parking, structures, required yard setback and sanitary system.

8.04 MINIMUM LOT FRONTAGE

One hundred fifty (150) feet.

8.05 SETBACK FROM ROAD OR STREET

The greater of the following distances shall be the minimum setback, except that where there are at least three (3) other principle structures within five hundred (500) feet of the proposed structure, the zoning administrator may reduce the setback to the average setback of the nearest three (3) principle structures, and the required setback.

(1.) State and federal highways: One hundred (100) feet from the centerline of the highway or fifty (50) feet from the edge of the right-of-way.

(2.) County roads: Seventy-five (75) feet from the centerline of the road, or forty-two (42) feet from the edge of the right-of-way.

(3.) Town roads and paved forest service roads: Sixty-three (63) feet from the centerline of the road, or thirty (30) feet from the edge of the right-of-way.

(4.) See Section 4.01 for additional requirements.

8.06 SIDE AND REAR YARD SETBACK

Fifteen (15) feet side and rear yard setbacks except where separately regulated as Shore Land setbacks or reverse fronting roadway setbacks.

8.07 MAXIMUM LOT COVERAGE

Sixty-five (65%) percent on existing lots under thirty thousand (30,000) square feet in area; fifty (50%) percent on all other lots.

8.08 MAXIMUM HEIGHT

Thirty-five (35) feet. Any application which requests the height of any structure to exceed the amount set forth herein shall be allowed subject to a conditional use permit. Rev. 2/2/04

8.09 OTHER RELEVANT SECTIONS

Other sections of this ordinance contain general standards which may apply to use in this district: Section 4, Supplementary District Regulations; Section 5, Shore Lake Regulations (for areas within three hundred (300) feet of streams and one thousand (1,000) feet of lakes; Section 18, Parking and Driveways; Section 19, Signs, etc.

8.10 PERMITTED AND CONDITIONAL USES

See Section 14.

SECTION 9: CONDOMINIUMS

9.01 INTENT

Condominiums are regulated in Forest County to protect residents and nonresidents and their use, values, and enjoyment of property. To protect public health, safety, comfort, and general welfare. To minimize traffic congestion through proper ingress and egress. To insure conformance with applicable uses within the zoning districts in which a condominium is located.

9.02 CONDOMINIUM CREATION

A condominium may be created within Forest County pursuant to the procedures set forth in chapter 703 of the *Wisconsin Statutes* and provided the condominium is approved by the Forest County Zoning Committee.

9.03 CONDOMINIUM APPROVAL

Preliminary condominium plats, final condominium plats, and condominium plat amendments shall be submitted and approved by the Forest County Zoning Committee prior to recording condominium instruments and plats with the Forest County Register of Deeds.

9.04 LIMITED COMMON ELEMENT REQUIREMENTS

The limited common element surrounding each structure unit shall not exceed a distance of twenty (20) feet measured at right angles from any protrusion of the dwelling.

9.05 CONSECUTIVELY NUMBERED UNITS

All units shall be consecutively numbered on the plat.

9.06 STATUTORY REQUIREMENTS

The final condominium plat shall be drafted in compliance with the requirements of chapter 703 *Wis. Stats.*

9.07 UNIT COMPLIANCE WITH ZONING REGULATIONS

Each individual unit when constructed, expanded, or altered, of all new, conversion, and expandable condominiums shall conform to the current *Forest County Zoning Ordinances* at the time the zoning permit is issued for the construction, alteration, or addition of the structure.

9.08 EXPANSION AREAS

All condominium plats submitted to the Forest County Zoning Committee must indicate whether or not it will be an expandable condominium.

9.09 STANDARDS FOR NEW CONSTRUCTION

(1.) Introduction:

Construction of new units on property to be part of a new condominium shall conform to the *Forest County Zoning and Subdivision Ordinances*.

(2.) Maximum Wetland Area Limitation

No more than twenty (20%) percent of the required land area shall be wetland areas.

(3.) Alternative Suitability Requirement

Proof of the availability of primary and alternate system areas for privately-owned wastewater treatment systems (POWTS) complying with the requirements of the Forest County Sanitary Ordinance and *Wisconsin Administrative Code* chapter COMM

(B.) Soils information including profile descriptions and suitable POWTS areas shall be provided on standard forms. All non-conventional POWTS areas shall be preplanned.

(4.) Height limitation on all proposed structures shall meet the requirements of the districts of the *Forest County Zoning Ordinance*.

(5.) Minimum District Requirements

(A.) Lake Lots

All new condominiums shall meet the minimum requirements as described in Section 5.0.

(B.) Non Lake Lots

All new condominiums shall meet minimum requirements of district as described in the *Forest County Zoning Ordinance*.

(6.) Expansion Requirements

(A.) All expandable condominiums must indicate the final total number and the approximate placement of the condominium units anticipated for the parcel.

(B.) Expandable condominiums cannot be added to conversion condominiums unless the combined conversion and expandable condominium complies with the minimum requirements for area, frontage width, and lot width requirements for the total number of units proposed.

- (C.) Each expansion phase must receive both preliminary and final plat approval by the Zoning Committee to ensure that the expansion complies with the current ordinance in effect at the time of expansion.
- (D.) If the final condominium plat for the expansion area substantially conforms to the layout shown and approved on the preliminary expansion approval, it shall be entitled to approval with respect to such layout.

9.10 STANDARDS FOR CONVERSION CONDOMINIUM(S)

(1.) Introduction

- (A.) Conversion condominiums allow for a parcel of land with one (1) or more existing structures to be converted to a condominium form of ownership.
- (B.) Resorts licensed on or after January 1, 1979, are allowed to maintain structure density that may exist on a resort property.

(2.) Maximum Wetland Requirement

No more than twenty (20%) percent of the required land area shall be wetland areas.

(3.) Alternative Suitability Requirement

- (A.) Proof of the availability of primary and alternate system areas for privately-owned wastewater treatment systems (POWTS) complying with the requirements of the Forest County Private Sewage System Ordinance *Wisconsin Administrative Code* chapter COMM. 83 shall be provided and shown on the plat.
- (B.) Soils information including profile descriptions and suitable POWTS areas shall be provided on standard forms. All non-conventional POWTS areas shall be replanned.
- (C.) All existing structure shall have their POWTS evaluated and results submitted on forms provided by the Forest County Zoning Office showing proof of compliance with Forest County Sanitary Ordinance and State Code COMM. 83. All existing systems that do not meet compliance shall be replaced within one (1) year of the preliminary approval.

(4.) Height Limitation

- (A.) All newly constructed structures shall meet the requirements of the Forest County Zoning Ordinance.
- (B.) All previously constructed structures shall meet the minimum requirements of the Forest County Zoning Ordinance at the time each building was constructed.

(5.) Parcel Size and Frontage Requirements

Where existing single structure unit(s), and/or existing multiple-family structure(s), rental or non-rental, not part of a resort, are to be part of a condominium declaration, such property shall not be converted until a final condominium plat is approved by the Forest County Zoning Committee.

(A.) Lake Lots

All conversion condominium parcels shall meet the minimum requirements of Section 5.0 of this ordinance.

(B.) Non-Lake Lots

All conversion condominium parcels shall meet the minimum requirements described in the Forest County Zoning Ordinance.

(6.) Licensed Resorts

This section pertains to conversion condominiums involving the disposition and sale of existing cabins in resorts licensed on or after January 1, 1979.

(A.) Rental and non-rental resort buildings may be converted to condominium units provided that:

- (a.) The first floor square footage of existing structures does not exceed ten (10%) percent of the total land area being included in the condominium declaration.
- (b.) The existing number of bedrooms conform with the number on the resort license (plus one (1) non-rental home).
- (c.) The number of existing bedrooms on the license plus the number within the non-rental home will not be increased.

(B.) Zoning Compliance

A condominium plat shall not be approved for a resort that was not constructed in compliance with the County Zoning Ordinances applicable at the time such resort:

- (a.) Was constructed.
- (b.) Made such alterations.
- (c.) Made such additions.

“UNLESS CORRECTIONS ARE MADE TO COMPLY WITH THE APPLICABLE ZONING REGULATION.”

- (C.) Resorts shall not be converted until a final condominium plat is approved by the Forest County Zoning Committee.

9.11 COMMERCIAL (NON-RESIDENTIAL)

CONDOMINIUMS

- (1.) Commercial condominiums shall not be subject to the structure requirements of the ordinance.

(2.) Lot areas and widths, structure sizes, setbacks, impervious areas, mitigation requirements, land disturbance areas, privately-owned wastewater treatment system requirements, parking requirements, and any other construction or improvement shall conform to the requirements of any and all other applicable Forest County Ordinances.

9.12 CONDOMINIUM APPROVAL (PLATTING) REQUIREMENTS

(1.) Preliminary Approval Platting Requirements

(A.) Name of condominium.

- (B.) County in which the condominium is located shall be provided on each sheet of the plat. Each sheet shall be consecutively numbered and show the relation of that sheet number to the total number of pages.

- (C.) Name and address of property owner(s).

- (D.) Site vicinity drawing showing adjacent water bodies, section corners, and roads, both public and private.

- (E.) Boundary of the parcel to be dedicated as common areas for the condominium complex. Include any expansion areas for expandable condominiums.

- (F.) The location of all existing buildings on the property. (Include the general location of any proposed buildings to be constructed on the property.)

- (G.) Area of the total parcel (square feet). (Include individual areas of each expansion area as well as the total.)

- (H.) Area of all wetlands on the parcel. (Include individual wetland areas for each expansion area as well as the total.)

- (I.) Linear footage (water frontage width) of lake, pond, stream, or water course frontage. (Include individual measurements for each expansion area as well as the total.)

- (J.) Required minimum area.

- (K.) Computations shall be shown on the plat which verify compliance with the parcel size required by this ordinance.

- (L.) Diagrammatic floor plans of each building located, or to be located, on the property which show the approximate dimensions, floor area, and location of each unit.

- (M.) Conversion condominium requirements:

- (a.) First floor square footage.

- (b.) Photocopy of resort license or proof of existing resort.

- (N.) Soils and Septic Information

- (a.) Soil and site evaluation reports shall accompany the preliminary plat for committee review.

- (b.) Location and proof of soil suitability for all existing and replacement septic systems shall accompany the Preliminary Plat for committee review.

- (O.) Roads which provide access to the condominium shall be shown.

- (P.) Existing easements that affect the condominium property.

- (Q.) A minimum of two (2) off-street parking spaces per unit.

- (R.) First floor area (square footage) of each existing structure.

- (S.) The number of bedroom units per structure unit.

- (T.) Size and location of any limited common elements.

- (U.) Existing structure expansion area showing dimensions.

- (V.) Whether the condominium is an expandable condominium. If the condominium is an expandable condominium, then the plat shall indicate:
 - (a.) Final total number of units.
 - (b.) Subsequent total number of units, if phased.
 - (c.) Approximate placement of the condominium units in each of the phases.
- (W.) Existing and proposed water supply systems.
- (X.) Areas of slopes greater than twenty (20%) percent.
- (2.) Final Platting Requirements
 - (A.) Time Period For Submitting Final Condominium Plat

Upon approval of the preliminary condominium plat by the Forest County Zoning Committee, the applicant shall submit a final condominium plat within one (1) year unless written request of an extension is acted upon favorably by the Committee. The extension shall not be for more than one hundred eighty (180) days.
 - (B.) The Final Plat Shall Include:
 - (a.) The name of the condominium.
 - (b.) The legal description of the property.
 - (c.) Shall show a boundary survey of the condominiums.
 - (d.) The location of all structures.
 - (e.) The size location of any limited common elements.
 - (f.) The area available in square feet.
 - (g.) The water frontage width.
 - (h.) The size and location of the alternate POWTS area(s).
 - (i.) All units shall be consecutively numbered on the plan.
 - (j.) Roads which provide access to the condominium and their road names.
 - (k.) Existing easements.
 - (l.) Two (2) off-street parking spaces per dwelling and one visitor
 - (m.) The number of bedroom units per structure.
 - (n.) Wetland boundary and areas.
 - (o.) Existing POWTS and Water Supply Systems
 - (p.) Certificate by owner and registered land surveyor
 - (q.) Diagrammatic floor plans of each building located, or to be located on the property, which show approximate dimensions, floor area, and location of each unit.
- (3.) Condominium Plat Amendments
 - (A.) A condominium plat amendment may be made to any recorded condominium plat pursuant to the procedures set forth in 703 of the *Wis. Stats.* Provided the amendment is approved by the Forest County Zoning Committee and that the amendment does not create any additional nonconformity with the current Forest County Ordinances.
 - (B.) If the condominium plat amendment amends a final condominium plat without providing substantial changes, the amended plat shall be submitted as a final plat.
 - (C.) If the condominium plat amendment amends a preliminary condominium plat without providing substantial changes, an amended plat shall be submitted as a final plat of the preliminary plat.

- (D.) If the condominium plat amendment amends a preliminary or final condominium plat while providing substantial changes to the preliminary plat, the amended plat shall be submitted as a preliminary plat.

(4.) Committee Requirements

- (A.) The Forest County Zoning Committee shall act upon the plat within ninety (90) days of receiving the plat by registered mail, certified mail, or receipted delivery to the zoning office.
- (B.) The Forest County Zoning Committee may extend the review period by written notice to the owner of the property or their agent.
- (C.) Failure of the Committee to act upon the plat within ninety (90) days, or extension thereof, shall constitute an approval of the condominium plat submitted.
- (D.) The Forest County Zoning Committee shall act to approve, approve conditionally, or reject the submitted plat. The Committee shall state in writing any conditions for approval or reasons for rejection unless the review period is extended.
- (E.) The Committee may give final approval only to that portion of an expandable condominium which is to be recorded initially and may give tentative approval to the expansion portion of the condominium.

9.13 UPON FINAL CONDOMINIUM APPROVAL

The following shall be provided prior to recording condominium instruments or plats with the Registrar of Deeds.

(1.) Owner's and Surveyor's Certificate.

- (A.) The plat is a correct representation of the condominium.
- (B.) The identification and location of each structure, area, and common area are correctly shown on the plat.
- (C.) The plat shall contain the surveyor's original signature and seal.
- (D.) The plat shall provide a place for the approval of the appropriate Town Board Chairman and Clerk signatures (if approval is necessary by the Town).

(2.) The plat shall provide a place for the approval of the Forest County Zoning Administrator after approval by the Committee.

(3.) The plat shall be on a legible scale of not more than two hundred (200) feet to an inch. The scale used shall be indicated on the plat graphically.

9.14 TOWN ORDINANCE REGULATING CONDOMINIUMS

Nothing contained herein shall be construed to prohibit any town from enacting any ordinance that would be more restrictive than the provisions contained herein, provided the town ordinance is not in conflict with any provisions hereof or any provisions in Chapter 703 *Wis. Stats.*; and the ordinance is properly drawn up in compliance with Section 60.74 of *Wis. Stats.*

Section 10: One-(1)and Two-(2) Family Residential (R1) District (Sewered)

10.01 INTENT

This district is for one-(1) and two-(2) family homes in sewered areas. Residential areas should provide for pleasant surroundings which are free from noise, heavy traffic, are relatively close to shopping, employment, schools, and recreation. Undeveloped land adjacent to sewered areas may be developed. Provisions shall be made for lot division and sewer hookup when and if sewer extensions can be made.

10.02 MAPPING GUIDELINES

The district should cover sewered residential areas. Should be outside of areas suitable for multi-family development. Should include adjacent undeveloped land where sewer lines, water lines, and streets are planned or can be extended. Such undeveloped land included should provide room for residential growth over the next twenty (20) years.

10.03 MINIMUM LOT AREA

Fifteen thousand (15,000) square feet.

10.04 MINIMUM LOT FRONTAGE

One hundred (100) feet.

10.05 SETBACK FROM ROAD OR STREET

The greater of the following distances shall be the minimum setback, except where there are at least three (3) other principle structures within five hundred (500) feet of the proposed structure, the zoning administrator may reduce the setback to the average setback of the nearest three (3) principle structures and the required setback.

(1.) State and federal highways: One hundred (100) feet from the centerline of the highway or fifty (50) feet from the edge of the right-of-way.

(2.) County roads: Seventy-five (75) feet from the centerline of the road or forty-two (42) feet from the edge of the right-of-way.

(3.) Town roads and paved forest service roads: Sixty-three (63) feet from the centerline of the road or thirty (30) feet from the edge of the right-of-way.

(4.) See Section 4.01 for additional requirements.

10.06 SIDE AND REAR YARD SETBACKS

Ten (10) feet side and rear yard setbacks except where separately regulated as Shore Land setbacks or reverse fronting roadway setbacks.

10.07 MAXIMUM LOT COVERAGE

Twenty (20%) percent.

10.08 MAXIMUM HEIGHT

Thirty-five (35) feet or two and one-half (2.5) stories, whichever is less.

10.09 OTHER RELEVANT SECTIONS

Other sections of this ordinance contain general standards which may apply to uses in this district. Section 4, Supplementary District Regulations; Section 5, Shore Land Regulations (for areas within three hundred (300) feet of streams and one thousand (1,000) feet of lakes); Section 18, Parking and Driveways; Section 19, Signs, etc.

10.10 PERMITTED AND CONDITIONAL USES

See Section 14.

10.11 SPECIAL REGULATIONS FOR UNSEWERED LOTS

Unsewered lots or subdivisions shall be platted and developed in such a way that further division will be possible if sewers are extended to the vicinity. Provisions shall be made for right-of-way for any additional streets. Structures shall be located and lot dimensions shall be set in a way that future lot division is possible without creating non-conforming lots. A map shall be submitted to the Zoning Committee showing how a future lot division may be accomplished, indicating placement of structures. Before issuing a permit, the Zoning Committee shall determine if the proposal as mapped is feasible and compatible with existing or planned development in the area.

Multi-Family Residential (R2) District (Sewered)

11.01 INTENT

This district is intended to allow a variety of housing types within sewered residential areas. The main type of housing in the district will be single-family homes. Multi-family units and Manufactured home parks may be allowed subject to review. Conditions may be added by the Zoning Committee. This district may include undeveloped land which may be available for future development.

11.02 MAPPING GUIDELINES

The district covers residential areas and adjacent undeveloped land. Where easy access to major streets and traffic arterial is afforded. Where multi-family development would be consistent with or not in conflict in the area. Minimum lot sizes shall be included to offer locations for future multi-family housing or manufactured/mobile home parks.

11.03 MINIMUM LOT AREA

Fifteen thousand (15,000) square feet for single family structures, plus two thousand five hundred (2,500) square feet for each additional unit for multiple family units over two (2) units.

11.04 MINIMUM LOT FRONTAGE

One hundred (100) feet.

11.05 SETBACK FROM ROAD OR STREET

The greater of the following distances shall be the minimum setback, except that where there are at least three (3) other principle structures within five hundred (500) feet of the proposed structure, the zoning administrator may reduce the setback to the average setback of the nearest three (3) principle structures and the required setback.

(1.) State and federal highways: One hundred (100) feet from the centerline of the highway or fifty (50) feet from the edge of the right-of-way.

(2.) County roads: Seventy-five (75) feet from the centerline of the road or forty-two (42) feet from the edge of the right-of-way.

(3.) Town roads and paved forest service roads: Sixty-three (63) feet from the centerline of the road, or thirty (30) feet from the edge of the right-of-way.

(4.) See Section 4.01 for additional requirements.

11.06 SIDE AND REAR YARD SETBACKS

Twenty (20) feet. Side and rear yard setbacks except where separately regulated as Shore Lake setbacks or reverse fronting roadway setbacks.

11.07 MAXIMUM LOT COVERAGE

Fifty (50%) percent.

11.08 MAXIMUM HEIGHT

Thirty-five (35) feet or two and one-half (2.5) stories, whichever is less.

11.09 OTHER RELEVANT SECTIONS

Other sections of the ordinance contain standards that may apply. Section 4, Supplementary District Regulations; Section 5, Shore Lake Regulations; Section 18, Parking and Driveways; Section 19, Signs, etc.

11.10 PERMITTED AND CONDITIONAL USES

See Section 14.

11.11 SPECIAL REGULATIONS FOR UNSEWERED LOTS

Unsewered lots or subdivisions shall be platted and developed in a way that division of lots will be possible when, and if, sewers are extended. Provisions shall be made for right-of-way for additional streets. Structures shall be located and lot dimensions shall be set in a way for future lot division without creating a non-conforming lot. A map shall be submitted to the zoning committee showing how future lot division may be accomplished, and placement of structures. Prior to issuing a permit, the zoning committee shall determine if the mapped proposal is feasible and compatible with existing or planned development in the area.

Section 12: Commercial (CM) district (Sewered) and (Not Sewered)

12.01 INTENT

The intent of this district is to provide an area for the retail and service businesses of, sewered and not sewered areas. The district should serve to concentrate a wide range of commercial activities in a central area, which is attractive to shoppers from surrounding towns.

12.02 MAPPING GUIDELINES

The district should be centered on existing commercial areas in sewered and not sewered, with some adjacent land added to cover reasonable future expansion. If additional commercial land is needed in future years, district boundaries may be expanded further, with attention given to appropriate areas as identified in the county land use plan. This district should not be expanded in such a way that commercial uses are spread out on long expanses of highway frontage.

12.03 MINIMUM LOT AREA

(1.) Five thousand (5,000) square feet with public sewer.

(2.) Two (2) acres without public sewer.

12.04 MINIMUM LOT FRONTAGE

Two hundred (200) not sewered feet, fifty (50) feet sewered.

12.05 SETBACK FROM ROAD OR STREET

The greater the following distances shall be the minimum setback, except that in central business areas, the zoning administrator may reduce or eliminate the setback to conform to the existing setbacks of other structures in the area.

(1.) State and federal highways: One hundred (100) feet from the centerline of the highway or fifty (50) feet from the edge of the right-of-way.

(2.) County roads: Seventy-five (75) feet from the centerline of the road or forty-two (42) feet from the edge of the right-of-way.

(3.) Town roads and paved forest service roads: Sixty-three (63) feet from the centerline of the road or thirty (30) feet from the edge of the right-of-way.

(4.) See Section 4.01 for additional requirements.

12.06 SIDE AND REAR YARD SETBACKS

(1.) Ten (10) feet on driveway for common wall construction.

(2.) Ten (10) feet on driveway side.

(3.) Six (6) feet sewer, fifteen (15) feet not sewer side and rear yard setback.

Side and rear yard setbacks are the same as required setbacks except where separately regulated as Shore Land setbacks or reverse fronting roadway setbacks.

12.07 MAXIMUM LOT COVERAGE

(1.) Sixty-five (65%) percent on lots under ten thousand (10,000) square feet.

(2.) Sixty (60%) percent on all other lots.

12.08 MAXIMUM HEIGHT

Thirty-five (35) feet.

12.09 OTHER RELEVANT SECTIONS

Other sections of this ordinance contain general standards which may apply to uses in this district. Section 4, Supplementary District Regulations; Section 5, Shore Land Regulations (for areas within three hundred (300) feet of streams and one thousand (1,000) feet of lakes; Section 18, Parking and Driveways; Section 19, Signs, etc.

12.10 PERMITTED AND CONDITIONAL USES

See Section 14.

Section 13: Industrial (IN) DISTRICT

13.01 INTENT

This district will accommodate all types of industrial uses, provided the industry operates within environmental and safety standards. Extra consideration will be given to conditions for industries with a high pollution potential, or with hazardous characteristics (see Conditional Uses, Section 16, in particular Section 16.22). Industry is defined as activities which make or add value to goods through various manufacturing processes, and including accessory offices and parking, warehousing of raw or finished materials, transportation terminals, and contract warehousing. Commercial uses that are primarily oriented to serve industry are also permitted, such as restaurants, motor vehicle fuel sales and service, child or adult day care, and similar service uses.

13.02 MAPPING GUIDELINES

The district should include existing industries and warehousing areas, and adjacent land suitable for expansion. New industrial areas will be created through the Planned Development Procedure (Section 15).

13.03 MINIMUM LOT AREA

Should be placed in an industrial park, or one (1) acre with public sewer, two (2) acres without public sewer.

13.04 MINIMUM LOT FRONTAGE

(1.) One hundred (100) feet with public sewer.

(2.) Two hundred (200) feet without public sewer.

13.05 SETBACK FROM ROAD OR STREET

The greater of the following distances shall be the minimum setback.

(1.) State and federal highways: One hundred (100) feet from the centerline of the highway or fifty (50) feet from the edge of the right-of-way.

(2.) County roads: Seventy-five (75) feet from the centerline of the road or forty-two (42) feet from the edge of the right-of-way.

(3.) Town roads and paved forest service roads: Sixty-three (63) feet from the centerline of the road or thirty (30) feet from the edge of the right-of-way.

(4.) See Section 4.01 for additional requirements.

13.06 SIDE AND REAR YARD SETBACKS

(1.) Twenty-five (25) feet with sewer.

(2.) Fifty (50) feet without sewer.

Side and rear yard setbacks are the same as required setbacks except where separately regulated as Shore Land setbacks or reverse fronting roadway setbacks.

13.07 MAXIMUM LOT COVERAGE

Sixty-five (65%) percent.

13.08 MAXIMUM HEIGHT

Forty (40) feet, except higher structures may be allowed as conditional uses, provided the local fire-fighting service has first been consulted.

13.09 OTHER RELEVANT SECTIONS

Other sections of this ordinance contain general standards which may apply to uses in this district. Section 4, Supplementary District Regulations; Section 5, Shore Land Regulations (for areas within three hundred (300) feet of streams and one thousand (1,000) feet of lakes); Section 18, Parking and Driveway; Section 19, Signs, etc.

13.10 PERMITTED AND CONDITIONAL USES

See Section 14.

13.11. PERFORMANCE STANDARDS

See Section 17.

Permitted and Conditional Uses by District

14.01 GENERAL

The following table lists most common land uses which might be found or established in Forest County, and shows whether such uses are permitted or conditionally permitted use within the nine zoning districts described in Section 5 through 13.

Uses listed as permitted in a given district are allowed after application and determination by the zoning administrator that the proposed use will conform to all applicable sections of this ordinance.

Uses listed as conditional are allowed only after a public hearing, and determination by the zoning committee that the proposed use will conform to all applicable sections of this ordinance, with special consideration given to the procedures and general criteria for conditional uses (Sections 16.01 through 16.07) and also to specific sections of Section 16 which pertain to individual uses (Section 16.08 through 16.53). In the following table, the farthest right-hand column on each page gives the section reference by land-use category.

14.02 TREATMENT OF ACCESSORY USES

Provisions in the following table shall be interpreted to apply in a like manner to uses that are accessory to permitted or conditional uses listed.

14.03 USES SIMILAR TO LISTED LAND USES

Uses similar to uses listed in the following table shall be interpreted to follow the same provisions as those applying to the most similar listed use.

SECTION 14.04 – TABLE 1 (see page 54) RESIDENTIAL, CONDOMINIUM, COMMERCIAL

SECTION 14.04 – TABLE 2 (see page 55) INDUSTRIAL AND WHOLESALING, FORESTRY AND FARMING

SECTION 14.04 – TABLE 3 (see page 56) FACILITIES

SECTION 14.04 – TABLE 4 (see page 57) RECREATION

14.04 PERMITTED AND CONDITIONAL USES BY DISTRICT

KEY		(GR) GENERAL RURAL	(VR) VILLAGE RESIDENTIAL	(VC) VILLAGE COMMERCIAL	(SL) SHORE LAND	(R) 1&2 FAMILY RESIDENTIAL	(R2) MULTI-FAMILY	(CM) COMMERCIAL	(IN) INDUSTRIAL	FOR CONDITIONAL USES: See Sec. 16.01 - 16.07 & other Sec.
P -----	PERMITTED USE									
C -----	CONDITIONAL USE									
PD -----	PERMITTED ONLY IN PLANNED DEVELOPMENT									
BLANK ----	SEE SECTION 14.03 FOR MORE INFORMATION									
NP-----	NOT PERMITTED									
LAND USES										
RESIDENTIAL										
1 & 2 Family Residential Homes (min. 720 sq. ft. per home)		P	P	P	P	P	P	P	NP	16.08
3 & 4 Unit Apartments		C	NP	C	NP	NP	P	C	NP	16.08 16.09
5+ Unit Apartments		C	NP	C	NP	NP	P	C	NP	16.08 16.10
Single Mobile Home (min. 720 sq. ft. & 14 ft. in width)		P	NP	NP	NP	NP	NP	NP	NP	
Single Wide Manufactured Home(min. 720 sq. ft. & 14ft. in width)		P	C	NP	P	NP	NP	NP	NP	
Manufactured/ Mobile Home Parks		C	NP	C	NP	NP	C	C	NP	16.11
Group Home - With Less Than 12 Residents		P	NP	P	NP	NP	P	C	NP	16.08
Group Home - With 12 or More Residents		C	NP	C	NP	NP	C	C	NP	16.12
Recreational Vehicle (RV) Park		C	NP	C	NP	NP	C	C	NP	16.13
Home Occupation - Patrons on Premises		P	C	P	C	C	NP	P	NP	16.14
Home Occupation - Patrons Not on Premises		P	P	P	P	P	P	P	NP	
Rooming House - (3 - 11 rented rooms/units)		C	NP	C	NP	NP	P	C	NP	16.15
CONDOMINIUM										
Condominium Units (SEE: Section 9)		C		C	C		C	C	NP	Sec. 9
COMMERCIAL										
Local or Neighborhood Commercial		C	NP	C	C	NP	C	P	NP	16.16
Tourist & Lake - Oriented Commercial		C	NP	C	C	NP	C	P	NP	16.17
Auto - Oriented Facilities - of Commercial Uses		C	C	C	NP	NP	NP	C	NP	16.18
General Retail and Service		C	C	C	NP	NP	C	P	NP	16.19
Drive - in Theaters		C	NP	C	NP	NP	NP	C	NP	16.20
Forestry & Farm Equipment - (Sales & Service)		C	NP	C	NP	NP	NP	P	P	16.21

TABLE 1

14.04 PERMITTED AND CONDITIONAL USES BY DISTRICT

KEY

P ----- PERMITTED USE
 C ----- CONDITIONAL USE
 PD ----- PERMITTED ONLY IN PLANNED DEVELOPMENT
 BLANK ---- SEE SECTION 14.03 FOR MORE INFORMATION
 NP----- NOT PERMITTED

LAND USES

	(GR) GENERAL RURAL	(VR) VILLAGE RESIDENTIAL	(VC) VILLAGE COMMERCIAL	(SL) SHORE LAND	(R) 1&2 FAMILY RESIDENTIAL	(R2) MULTI-FAMILY RESIDENTIAL	(CM) COMMERCIAL	(IN) INDUSTRIAL	FOR CONDITIONAL USES: See Sec. 16.01 - 16.07 & additional Sec. Below.
INDUSTRIAL AND WHOLESALING:									
General Industry - (except those types listed below)	NP	NP	NP	NP	NP	NP	NP	P	
Industries with Potential for High Hazard, Pollution or Nuisance	NP	NP	NP	NP	NP	NP	NP	C	16.22
Salvage Yards, Processing & Recycling Facilities	C	NP	NP	NP	NP	NP	NP	C	16.24
Sand & Gravel Pits (1,000 Cubic yards per year or more)	C	NP	NP	NP	NP	NP	NP	C	16.25
Metallic Minerals Exploration	P	C	C	C	C	C	C	C	16.25
Metallic Mineral Prospecting & Mining (SEE: Section 15)	PD							PD	Sec. 15
Wholesale Establishments	C	NP	C	NP	NP	NP	P	P	16.26
Warehouses & Food Lockers	C	NP	C	NP	NP	NP	C	P	16.27
Heavy Equipment Storage (>8 Tons or a License for >8 Tons)	P	NP	P	NP	NP	NP	P	P	
Truck Terminals	C	NP	C	NP	NP	NP	C	P	16.28
Petroleum Products Distribution & Storage Facilities	C	NP	C	NP	NP	NP	C	C	16.29
State, County or Town Highway Shops	C	C	C	C	C	C	P	P	
FORESTRY AND FARMING									
Forest Management	P	P	NP	P	P	P	C	C	
Crop Farming	P	P	NP	P	NP	P	C	C	
Dairy & Animal Farming	P	NP	C	NP	NP	NP	C	C	
Confined Livestock Feeding	C	NP	NP	NP	NP	NP	NP	C	16.30
Permanent Forest Processing	C	NP	NP	NP	NP	NP	C	P	16.31
Temporary Forest Processing	P	NP	C	NP	NP	NP	C	P	
Maple Syrup Processing	P	C	P	C	C	NP	C	P	

TABLE 2

14.04 PERMITTED AND CONDITIONAL USES BY DISTRICT

KEY		(GR) GENERAL RURAL	(VR) VILLAGE RESIDENTIAL	(VC) VILLAGE COMMERCIAL	(SL) SHORE LAND	(R) 1&2 FAMILY RESIDENTIAL	(R2) MULTI-FAMILY RESIDENTIAL	(CM) COMMERCIAL	(IN) INDUSTRIAL	
P -----	PERMITTED USE									
C -----	CONDITIONAL USE									
PD -----	PERMITTED ONLY IN PLANNED DEVELOPMENT									
BLANK ----	SEE SECTION 14.03 FOR MORE INFORMATION									
NP-----	NOT PERMITTED									
LAND USES										
FACILITIES										
Sanitary Land Fills		C	NP	NP	NP	NP	NP	NP	C	16.32
Wastewater Treatment Plants		C	NP	NP	C	NP	NP	NP	C	16.33
Public Water Well, Treatment & Storage		P	C	C	C	C	C	P	P	16.34
Schools & Public Libraries		P	C	P	C	C	C	P	NP	16.35
Church		P	C	P	C	C	P	P	NP	16.36
Hospitals & Nursing Homes		C	NP	C	NP	NP	C	C	NP	16.37
Airports: Commercial/ Military & Private Landing Strips		C	NP	NP	NP	NP	NP	NP	C	16.38
Communication Towers		C	NP	NP	NP	NP	NP	NP	C	16.39
Radio & TV Stations		C	NP	C	NP	NP	NP	C	P	16.40
Cemeteries		P	P	P	P	P	P	P	P	
Electric Power Substation		P	NP	C	C	NP	NP	C	P	16.41
Pipeline Pumping Station		P	NP	NP	C	NP	NP	C	P	

TABLE 3

14.04 PERMITTED AND CONDITIONAL USES BY DISTRICT

KEY										
P -----	PERMITTED USE									
C -----	CONDITIONAL USE									
PD -----	PERMITTED ONLY IN PLANNED DEVELOPMENT									
BLANK ----	SEE SECTION 14.03 FOR MORE INFORMATION									
NP-----	NOT PERMITTED									
LAND USES		(GR) GENERAL RURAL	(VR) VILLAGE RESIDENTIAL <i>Planned Residential</i>	(VC) VILLAGE COMMERCIAL <i>Planned Commercial</i>	(SL) SHORE LAND	(R) 1&2 FAMILY RESIDENTIAL	(R2) MULTI-FAMILY RESIDENTIAL	(CM) COMMERCIAL	(IN) INDUSTRIAL	FOR CONDITIONAL USES: See Sec. 16.01 - 16.07 & additional Sec. Below.
<u>RECREATION</u>										
Clubhouse or Lodge		P	C	P	C	NP	C	P	NP	16.42
Campgrounds		C	NP	NP	C	NP	C	NP	NP	16.43
Public Swimming Pools		C	C	C	C	C	C	C	NP	16.44
Hunting & Fishing Shelters		P	NP	NP	P	NP	NP	NP	NP	
Golf Courses & Clubhouse		C	C	C	C	C	C	C	NP	16.45
Parks and Playing Fields		P	P	P	P	P	P	P	NP	
Shooting Ranges		C	NP	NP	NP	NP	NP	NP	NP	16.46
Fairgrounds, Amusement Parks, and Go - Cart Tracks		C	NP	C	C	NP	NP	P	NP	16.47
Motor Cycle or Motorized Vehicle Tracks		C	NP	C	C	NP	NP	P	NP	16.47
Sport Equipment Rental		C	NP	C	C	NP	NP	P	NP	16.48
Stables		P	NP	NP	C	NP	NP	NP	NP	16.49
Group Camps		C	NP	NP	C	NP	NP	NP	NP	16.50
Fish Hatcheries		P	NP	NP	C	NP	NP	NP	NP	16.51
Other										14.0316 .52

TABLE 4

Section 15: Planned Unit Development and/or Cluster Development overlay District

15.01 INTENT AND PURPOSE

Intent

It is the intent of the Planned Unit Development And/Or Cluster Development Provision as authorized for village-power towns in *Wis. Stats.* Section 60.62, and for counties in Section 59.69(3.)(d.), to allow flexibility in dealing with large-scale residential, commercial, industrial, and mineral developments while insuring such development conforms with the intent of the county's development plan.

Purpose

In instances where larger areas are involved, the appropriate method for seeking a relaxation of minimum standards is by rezoning to establish a Planned Unit Development And/Or Cluster Development. The Planned Unit Development And/Or Cluster Development is intended to permit some smaller lots and setbacks where the physical layout of the lots is so arranged (often by setting them back farther from navigable water) as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes, setbacks with special conditions placed upon the Planned Unit Development And/Or Cluster Development at the time of its approval. A condition of all Planned Unit Development And/Or Cluster Development is the preservation of certain compensating open space on the shore land or any district, in perpetuity, in exchange for smaller lots.

15.01.2 Requirements For Planned Unit Development And/Or Cluster Development

The county board may, at its discretion, upon its own motion or petition, approve a Planned Unit or Cluster Development either by approving first an overlay district with concept plan and then a plat, or by approving only a plat for an approved concept-planned project upon finding, after a public hearing, that all of the following facts exists for the land including shore land concerns of Section 5.0.

(1.) Area

The area proposed for the Planned Unit Development And/Or Cluster Development is a minimum of ten (10) acres in size.

(2.) Pollution Control

The location and nature of the septic systems which will serve the home sites individually, or collectively, will assure that effluent from the septic systems will not reach the ground or surface waters in a condition which would contribute to health hazards, taste, odor, turbidity, fertility, or impair the aesthetic character of navigable waters.

(3.) Preservation Of Ground Cover

The location of home sites, and the dedication of part of the land for use by the public or residents of the Planned Unit Development And/Or Cluster Development will reserve the ground cover of the shore land and scenic beauty of the navigable water, prevent erosion, and other pertinent factors. The Shore Land Buffer Area (first thirty-five (35) feet landward) will be a no mow area, left natural except for view corridors. All structure development on shore land will be one hundred fifty (150) feet from the OHWM. Land not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of the lots in the development, or to a corporation formed by them, or by dedication to the county, town, or municipality. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the

development, a homeowner's association or similar legally constituted body shall be created, to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement, or any other manner which was required by a public body or which names a public body as grantee, recipient, or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has, or acquires, an interest in the land subject to the restriction.

(4.) Density

The number of platted home sites shall not exceed those that would have been possible if the same land were platted in accordance with the minimum lot sizes, setbacks, and widths provided by the applicable provisions of the zoning ordinance. This figure shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required by this ordinance.

(5.) Lot Sizes, Widths, Setbacks, and Tree Cutting

The lot sizes, widths, and setbacks shall not be less than those provided for in current statutes or chapter COMM. 85, *Wis. Adm. Code*, and shall not be so small as to cause pollution or erosion along streets or other public ways and waterways, or so small as to substantially depreciate the property values in the immediate neighborhood. Shore cover provisions in Section 15.01.2(3.) shall apply except that maximum width of a lake frontage opening shall be one hundred (100) feet in five hundred (500) feet of frontage.

15.01.3 Procedure For Establishing A Planned Residential Unit And/Or Cluster Development

(1.) Planning Studies

A landowner or petitioner, at their expense, develops facts required to establish compliance with the provisions of appropriate section of this ordinance or may be required to contribute funds to the county to defray all, or part, of the cost of such studies being undertaken by the county or any agency or persons with whom the county contracts for such work.

15.02 TYPES AND LOCATION OF PLANNED UNIT DEVELOPMENT AND/OR CLUSTER DEVELOPMENTS

Each Planned Unit Development (PUD and/or CD) and Cluster Development shall be one of the following types.

PERMITTED IN THESE TYPE OF: PUD and/or CD

<u>Development</u>	<u>Abbreviations</u>	<u>General Districts</u>
Residential Planned	R-PUD and/or CD	GR, VR, VC, SL, CM, R1, R2
Commercial Planned	C-PUD and/or CD	GR, VR, VC, R2, CM
Industrial Planned	I-PUD and/or CD	GR, IN
Metallic Mineral Mining and Prospecting Planned Development	M-PUD and/or CD	GR, IN

15.02.1 Ownership

Any application for approval of any PUD and/or CD may be filed by a person having an interest in the property to be included in the planned unit development. Prior to final approval, the entire tract shall be either under single ownership, evidenced by legal title or binding sales contract, or under lease or such other legal control over the land and proposed use this is sufficient to insure that the applicant will be able to carry out the proposed project and assume all liability for the project which would normally be assumed under full land ownership.

15.03 FILING

(1.) An application fee as described in Section 20.04.

(2.) A signed and notarized statement from the applicant stating:

(A.) The name and address of the applicant.

(B.) A summary in less than five hundred (500) words which describes the nature and scope of the project.

(C.) A legal description of all land proposed to be included in the district.

(D.) A description of the applicant's ownership interests in the property with respect to 15.02.

(E.) Dates construction will begin and be completed.

(F.) The applicant's best estimate and explanation of the life expectancy of the project.

(G.) Evidence of the applicant's ability to carry out the project. This may include an explanation of the method of financing a financial statement of the applicant, a list of experience of the applicant in similar projects, letters of reference, or other material.

(H.) A statement that all information is accurate and complete to the best of the applicant's knowledge.

(3.) A map prepared by a registered surveyor in the State of Wisconsin showing the proposed district as it currently exists. The map shall show the following at an appropriate scale:

(A.) Boundaries of the property and location of monuments.

(B.) Contour lines at five (5) foot intervals.

(C.) All major drainage.

(D.) Size of the property.

(E.) High-water mark of watercourses or water bodies, if any.

(F.) Adjacent roadways and distances to public road to which access is proposed.

(G.) Existing structure or other manmade features.

(H.) Scale and north arrow.

(I.) Any other feature of major importance or other information necessary to accurately represent the area.

(4.) A description of the proposed project in sufficient detail to allow the Zoning Committee to assess probable physical, environmental, and developmental impacts of the proposal. The description shall include at a minimum, the following:

(A.) A description of the timing and phasing of the project including maps of all major phases.

- (B.) A map of the completed development.
- (C.) A description of any related development taking place in the county, or planned to take place.
- (D.) A statement of known physical, environmental, or any developmental impacts on other property in Forest County.
- (E.) A description of any homeowners or other associations that will be responsible for maintenance of open space or shared facilities and implementation plan.
- (F.) Any other information necessary for the Zoning Committee to assess probably physical, developmental, or environmental impacts of the project.
- (G.) Sewer and water lines, streets, septic system, utilities, and lighting.
- (H.) Any other documents required below under regulations for the specific type of planned development (see also Mining Operations Permits Section 20.03.4).

15.03.2 Procedure For Establishing A Planned Unit Development And/Or Cluster Development District

The procedure for establishing limited rezoning in the form of a Planned Unit Development And/Or Cluster Development district shall be as follows:

(1.) Petition.

A petition setting forth all of the facts required in Section 15.03.1.

15.03.3

An application may be filed with the zoning administrator. The applicant shall present ten (10) copies of all material listed in 15.03.1, plus the filing fee listed in 20.04. The zoning administrator shall immediately initial and date one copy of each of the materials listed in 15.03, and issue a receipt to the applicant for all materials delivered. The copy of materials initialed by the zoning administrator shall be delivered to the County Clerk to be preserved with county records. One copy may be retained by the zoning administrator for office use. The remaining copies shall be publicly available in the following locations:

(1.) Town halls of towns in which the planned development is proposed.

(2.) The office of the North Central Wisconsin Regional Planning Commission.

(3.) One copy to be available to members of the Zoning Committee. Any remaining copies may be circulated or distributed at the discretion of the chairman of the Zoning Committee.

15.04 ZONING COMMITTEE ACTIONS AND PUBLIC HEARINGS

15.04.1 The zoning administrator shall place notice of the application on the next meeting agenda of the Zoning Committee. The zoning administrator shall give notification of the Zoning Committee meeting by registered letter to the Town Chairmen of the Towns in which the PUD and/or CD would be located.

15.04.2 At the meeting referred to in 15.04.1, the Zoning Committee shall set a date for an informational public hearing on the application. The public hearing shall be scheduled no sooner than fifteen (15) days after the meeting and no later than forty-five (45) days, except that with respect to an M-PUD and/or CD, the Zoning Committee may decide that the hearing held pursuant to Section 144.836, *Wis. Stats.*, shall constitute the informational public hearing. The hearing shall be located in the town where the development is proposed, or if more than one town is involved in the PUD and/or CD, the meeting shall be held in the town with the largest land area to be included in the district, or at the county seat.

15.04.3 No later than thirty (30) days after the informational public hearing, the Zoning Committee shall hold a meeting and adopt recommendations on the application, except that when the informational hearing is held on a M-PUD and/or CD, according to Section 144.836, *Wis. Stats.*, the Zoning Committee shall meet and adopt recommendations no later than thirty (30) days after the close of the record of the hearing. The zoning administrator shall give notification of the Zoning Committee meeting by registered letter to the Town Chairmen of towns in which the PUD and/or CD would be located.

15.04.4 A public hearing shall be held on the recommendations no later than sixty (60) days after an informational hearing or, with respect to a M-PUD and/or CD, after close of the record of hearing held pursuant to Section 144.836, *Wis. Stats.* The hearing may be held in any town impacted by the development, at the county seat, or other facility designated by the county zoning administrator. With respect to an M-PUD and/or CD, the Zoning Committee may, if directed by the County Board, schedule the hearing to coincide with a County Board meeting.

15.04.5 Following the second public hearing, the zoning administrator shall within fifteen (15) days deliver to the County Clerk the committee recommendation and a summary of the comments at the second public hearing. The County Clerk shall place the recommendation on the next County Board agenda.

15.04.6 No more than seventy-five (75) days after the County Clerk receives the committee recommendations, and summary of contents of the public hearing described in Section 15.04.4, the County Board shall either disapprove or approve the recommendation of the Zoning Committee.

15.04.7 If the County Board approves the application, and the applicant's ownership is established in accordance with Section 15.02.1, the zoning administrator shall issue the permit as described in Section 15.05.

15.04.8 If the application is rejected by the County Board, the applicant may reapply at any time. If this second application is substantially the same as the original application except for changes recommended by the Zoning Committee or County Board, the Zoning Committee may eliminate the informational public hearing described in Section 15.04.2.

15.04.9 Simultaneous application for planned unit developments, conditional-use permits and land-use permits.

(1.) Applications for more than one Planned Unit Development may be submitted simultaneously, provided all districts are related and relationships of the planned unit developments are clearly explained in project description in Section 15.03.1(4.). All applications filed simultaneously may be

combined for public hearing purposes, but the Zoning Committee shall make separate recommendations on each application, the County Board of Supervisors shall take separate action on each application, and a separate permit shall be issued for each application.

(2.) Applications for conditional-use permits or land-use permits may be filed simultaneously with application for designation of a Planned Unit Development provided all the proposed conditional uses are within the proposed planned development. In the case a simultaneous submission of conditional use and Planned Unit Development applications, the deadlines described in Section 16.03, and Section 16.04 for conditional uses shall not apply; and instead, the deadlines and procedures established in this section for Planned Unit Developments shall apply. The Zoning Committee shall make recommendations to the County Board on each conditional-use permit and the County Board shall act on these recommendations as part of the planned development application. Material required under Section 16.02 for conditional uses shall be incorporated into the Planned Unit Development application whenever possible.

15.04.10 The applicant may request cancellation of all further consideration of the application at any time by notifying the zoning administrator in writing.

15.05 PUD AND/OR CD PERMIT

15.05.1 A separate PUD and/or CD permit shall be issued for each planned development. A single PUD and/or CD permit shall include any conditional-use permits which were identified as needed in the application. Individual land-use permits shall also be included as a portion of the planned unit development permit. Any land use or conditional-use permit within the planned Unit Development District which is obtained after the Planned Unit Development permit is applied for shall be considered a part of the Planned Unit Development permit.

15.05.2 The PUD and/or CD permit shall become effective at the later of the following dates:

(1.) Ten (10) calendar days after the permit is issued by the zoning administrator.

(2.) The starting date identified by the applicant in Section 15.03.1(2.).

15.05.3 The permit shall be terminated or suspended by the County Board under any of the following conditions:

(1.) Construction is not carried on diligently to completion following as closely as possible the description of timing and phasing of the project submitted in the application unless caused by reasons beyond the control of the applicant.

(2.) Actual project development is significantly different from stated in the original application.

(3.) Actual project development violates the description provided in the application or any recommendations adopted by the County Board.

(4.) The occurrence or imminent danger of a major adverse or catastrophic environmental or economic impact not accurately described in the application material submitted under 15.03.

15.06 GENERAL REQUIREMENTS

A planned unit development shall be composed of a single contiguous area enclosed by a single continuous boundary line. The area for inclusion shall be reasonable compact and not rely on narrow land bridges or necks of lands to join otherwise non-contiguous areas. The Planned Unit Development shall not enclose or substantially surround any land that is not included in the Planned Unit Development. Exceptions to these requirements may be permitted in order to accommodate essential pipelines, utilities, or other facilities. The land included in a Planned Unit Development may not be included in any other planned unit development.

15.06.1 The applicant shall demonstrate that the PUD and/or CD will not result in a net substantial adverse economic impact in any town in which the PUD and/or CD will be located including the ability of each town, and the school districts, and sanitary districts with which it is associated, to provide necessary governmental facilities and services taking into account all financial resources projected to be reasonably available for providing the facilities and services.

15.06.2 The appropriate district regulations or other portions of this zoning ordinance shall apply within planned unit developments unless specifically exempted or altered under the provisions of this section. Shore Land regulations in Section 5 shall apply within all areas defined in Section 5.01.2 regardless of any provisions of this section.

15.06.3 Nothing in this ordinance shall be construed to mean that the County Board of Supervisors is required to approve any application for a planned development any such approval of any application for a planned unit development must be supported by substantial credible evidence.

15.07 TRAFFIC

Unless specifically provided for, Section 18 shall be applied to the planned unit development as a whole and to its constituent parts whenever practical. The design of the planned unit development shall provide for safe and efficient internal traffic flow on public roads and not create unnecessary safety or congestion problems outside the PUD.

15.07.1 Any significant deviation from the original designs submitted in the application described in Section 15.03.1 must be approved by the County Board of Supervisors.

15.08 RESIDENTIAL PLANNED UNIT DEVELOPMENT (R-PUD AND/OR CD) PERMITTED USES

Any use permitted or conditionally permitted in the multi-family (R2) District, plus neighborhood commercial uses and recreation, accessory uses to the permitted uses.

15.09 RESIDENTIAL DENSITY AND REQUIRED YARDS (R-PUD AND/OR CD)

15.09.1 Residential Density

If recommended by the County Zoning Committee, a maximum increase in residential density of not to exceed twenty-five (25%) percent over that allowed in the underlying zoning basic district where the R-PUD and/or CD is located is allowed. If the R-PUD and/or CD is in more than one (1) district, the residential density shall be based on the proportion of the R-PUD and/or CD in each general district.

15.09.2 Setbacks

Setbacks from public roads shall be in accordance with Section 4.01. Other yard requirements may be reduced or eliminated if justified by reasons of project design.

15.09.3 Perimeter Buffer

Except for access points, a permanent open space at least twenty-five (25) feet wide shall be provided along the property line and it shall be landscaped or screened with no structure permitted. The buffer area shall not be included in calculating open space under Section 15.14.1.

15.10 SIZE R-PUD AND/OR CD

A R-PUD and/or CD shall contain a minimum of ten (10) dwelling units.

15.10.1 Open Space

Common open space shall comprise at least ten (10%) percent of the gross area of the planned unit development to be used as recreational park or environmental amenity for collective enjoyment by occupants of the development or the general public. Open space shall not include streets, parking areas, buffer strips, driveways, and utility easement. The following open space requirements shall be met:

(1.) Open space shall be effectively separated from automobile traffic and parking.

(2.) Streams, bodies of water, wetlands, drainage easements, slopes in excess of fifteen (15%) percent, and flood plain may be included as usable open space if those areas contribute to the quality, livability, and amenity of the planned development, provided that no more than forty (40%) percent of common open space contains such land.

(3.) Recreation facilities, structures, and their accessory uses located in common recreation areas shall be considered open space, as long as total impervious surfaces are no more than ten (10%) percent of total open space.

15.11 SPECIAL R-PUD AND/OR CD PROVISIONS

Evidence of the following shall be included in the applicant's description of the project as provided for by Section 15.03.1.

15.11.1 Care and Maintenance Of Common Property

Approval of planned developments are subject to the submission of legal instruments setting forth a plan or manner of permanent care and maintenance of community facilities. No such instrument shall be acceptable until approved by the county.

15.11.2 Homeowners Or Merchants Association

If any common open space or facilities are deeded to a Homeowners or Merchants Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to, the following:

(1.) The association must be set up before homes are sold or rented.

- (2.) Membership must be mandatory for each home buyer and any successive buyer.
- (3.) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other common facilities.
- (4.) Association members must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.
- (5.) The association must be able to adjust the assessment to meet changed needs.

**15.12 COMMERCIAL PLANNED UNIT DEVELOPMENT
(C-PUD AND/OR CD): PERMITTED USES**

Any permitted use allowed in the Commercial district shall be permitted in a C-PUD and/or CD. Any conditional use in the Commercial District (CM) shall be a conditional use in the C-PUD and/or CD.

15.13 SIZE C-PUD AND/OR CD

No C-PUD shall be smaller than three (3) acres. At least one and one-half (1½) acres of a C-PUD shall be buildable commercial land excluding public right-of-ways, water bodies, wetlands, steep slopes, or other impediment to development.

15.14 PERIMETER AND SCREENING C-PUD AND/OR CD

Except for access points, a permanent open space forty (40) feet wide shall be maintained around the perimeter of the C-PUD and/or CD. No structure may be permitted in this open space, and the area shall not be counted as buildable area under Section 15.17. Vegetative or other screening must be provided adjacent to residential or recreational uses.

15.15 VACANT STRUCTURE SITES OR EMPTY STRUCTURES C-PUD AND/OR CD

The C-PUD and/or CD application material may indicate one (1) or more vacant structure sites. The unused sites shall be identified in the application and as much information as possible given about how these sites will be served by utilities, parking, and other services. Structures not specifically identified in the C-PUD and/or CD application may be built provided that the description of the project included in the application, or restriction recommended by the Zoning Committee and the County Board are not violated. Structures for uses listed as permitted in the Commercial District (CM) in Section 14 may be constructed after acquiring a structure permit as described in Section 20.4. Uses listed as conditional uses in a Commercial District (CM) in Section 14 may be constructed after acquiring a conditional use permit as described in Section 20.4.

15.16 SITE DESIGN REQUIREMENT C-PUD AND/OR CD

As a part of this application specified in Section 15.03, the following shall be included:

- (1.) Layout and services provided of all structure sites.
- (2.) Businesses to occupy sites, if known.
- (3.) Any site or structure which will not immediately be used.

15.17 TRAFFIC AND PARKING C-PUD AND/OR CD

Traffic and parking shall be given special consideration both within the C-PUD and/or CD and off the premises. Except as specifically provided otherwise, Section 18 shall apply.

15.17.1 Pedestrian Traffic

The layout of C-PUD and/or CD shall encourage walking rather than driving between commercial establishments in the C-PUD and/or CD.

15.17.2 Access To Public Roads

Each C-PUD and/or CD shall have a minimum of two (2) accesses to public roads, but beyond this, the number of driveways should be minimized. Individual businesses shall not have separate driveways to existing public roads.

**15.18 INDUSTRIAL PLANNED UNIT DEVELOPMENT
(I-PUD AND/OR CD) PERMITTED USES**

Any permitted use allowed in the Industrial District shall be permitted in an I-PUD and/or CD. Any conditional use in the Industrial District shall be a conditional use in the I-PUD and/or CD.

15.19 SIZE I-PUD AND/OR CD

No I-PUD and/or CD shall be smaller than three (3) acres. At least one and one-half (1½) acres of a I-PUD shall be buildable commercial land excluding public right-of-ways, water bodies, wetland, steep slopes, or other impediment to development.

15.20 PERIMETER AND SCREENING I-PUD AND/OR CD

Except for access points, a permanent open space at least forty (40) feet wide shall be maintained around the perimeter of the I-PUD. No structure may be permitted in this open space, and the area shall not be counted as buildable area under Section 15.17. Vegetative or other screening must be provided adjacent to residential or recreational uses.

15.21 VACANT STRUCTURE SITES OR EMPTY STRUCTURES I-PUD AND/OR CD

The I-PUD and/or CD, at time of application, may have one or more vacant structure sites. Unused sites shall be identified in the application and as much information as possible about how these sites will be served by utilities, parking, and other services. Structures not specifically identified in the I-PUD and/or CD application may be built provided the description of the project included in the application, or restriction recommended by the Zoning Committee and the County Board are not violated. Structures for uses listed permitted in the Industrial District (I-PUD and/or CD) in Section 14 may be constructed after acquiring a structure permit as described in Section 20.4. Uses listed as conditional uses in an Industrial District in Section 14 may be constructed after acquiring a conditional-use permit as described in Section 20.1.

15.22 SITE DESIGN REQUIREMENTS I-PUD AND/OR CD

As a part of the application in Section 15.03, the following shall be included:

- (1.) Layout and infrastructure of all structure sites.
- (2.) Industries to occupy sites, if known.
- (3.) Any site or structure which will not immediately be used or which is included as a speculative holding.

15.23 TRAFFIC AND PARKING I-PUD AND/OR CD

Traffic and parking shall be given special consideration, both within the I-PUD and/or CD and off the premises. Except as specifically provided otherwise Section 17 shall apply.

15.23.1 Pedestrian Traffic

Whenever possible, the layout of I-PUD and/or CD shall encourage walking rather than driving between commercial establishments in the I-PUD and/or CD.

15.23.2 Access To Public Roads

Each I-PUD and/or CD shall have a minimum of two (2) accesses to public roads, beyond this the number of driveways should be minimized. Individual businesses shall not have separate driveways to existing public roads.

15.24 PERFORMANCE STANDARDS

Performance standards in Section 17 shall apply in I-PUD and/or CD.

15.25 METALLIC MINERAL MINING AND PROSPECTING PLANNED UNIT DEVELOPMENT
(M-PUD AND/OR CD)

Permitted Uses

Metallic mineral mining and prospecting shall be permitted only in M-PUD and/or CD unless a variance is obtained pursuant to Section 21 of this ordinance or an amendment of this ordinance is obtained pursuant to Section 22. Any permitted use allowed in (GR) or (IN) shall be permitted in a M-PUD and/or CD. Any conditional use in a (GR) or (IN) shall be a conditional use in a M-PUD and/or CD.

15.26 PERMIT REQUIREMENTS M-PUD AND/OR CD

15.26.1 A buffer zone of two hundred (200) feet along the property line, shall be required.

15.26.2 Adequate utilities, roads, drainage, traffic plans, and public service required in a M-PUD and/or CD shall be provided by applicant.

15.26.3 A M-PUD and/or CD shall be located, designed, constructed, and operated in such a manner so as to protect groundwater quality in accordance with *Wis. Stats.* chapter 144 and administrative rules adopted pursuant thereto.

15.26.4 A M-PUD and/or CD shall be located, designed, constructed, and operated in such a manner so as to:

- (1.) Prevent any surface or subsurface discharge from the facility into navigable waters that would cause a violation of water quality standards issued pursuant to *Wis. Stats.* 144.025(2)(b.).
- (2.) Prevent any surface or subsurface discharge from the facility into navigable waters that would cause a violation of control on the discharge of any toxic substances under *Wis. Stats.* 147.07(1.).
- (3.) Comply with all applicable regulations promulgated under *Wis. Stats.* chapter 147, if point source discharges to navigable waters exist, including point source discharges from leachate collection systems or from surface water runoff collection systems.
- (4.) Meet pretreatment standards, for discharges to publicly-owned treatment works, issued pursuant to *Wis. Stats.* 147.07(2.).
- (5.) Divert surface water runoff from a 24-hour, 25-year storm around portions of the facilities containing ore, product, or mine, or prospecting waste; provided, however, diversion structures to accomplish the same do not need to be constructed if it can be demonstrated that surface water runoff will not come into contact with such materials.
- (6.) Control surface water runoff from portions of the facilities containing ore, product, or mine, or prospecting waste up to the quantity anticipated from a 24-hour, 25-year storm by collecting,

confining, treating, or discharging it as may be required by regulations promulgated under *Wis. Stats.* chapter 147.

15.26.5 A M-PUD and/or CD shall be located, designed, constructed, and operated in such a manner so as to prevent air emissions from such facilities causing a violation of standards or regulations promulgated pursuant to *Wis. Stats.* Chapter 144.

15.26.6The proposed operation shall also include the following provisions:

- (1.) All toxic and hazardous wastes, refuse, tailings, and other solid waste shall be disposed of in solid or hazardous waste land disposal facilities licensed under applicable Wisconsin or federal metallic mining waste, other solid waste, or toxic substances control regulations, or otherwise disposed of in an environmentally sound manner pursuant to applicable provisions of such laws.
- (2.) All tunnels, shafts, or other underground openings shall be sealed by the completion of activities in the M-PUD and/or CD, and seepage in amounts which may be expected to create a safety, health, or environmental hazard shall be prevented, unless it can be demonstrated that alternative uses of tunnels, shafts, or other openings exist which do not threaten public health and safety, and which conform to applicable environmental protection laws and rules.
- (3.) All underground or surface runoff waters from open pits or underground, or prospecting, or mining sites shall be managed, impounded, or treated so as to prevent soil erosion or damage to agricultural lands or livestock.
- (4.) All surface structures constructed as part of prospecting or mining operations shall be removed upon termination of such operations, unless they are converted to an acceptable alternate use.
- (5.) Adequate measures shall be taken to prevent significant surface subsidence, but if such subsidence does occur, provision for reclamation of the affected areas shall be taken.
- (6.) Topsoil shall be preserved for purposes of future use in reclamation.
- (7.) Disturbed soils shall be vegetated for stabilization and reclamation, with the objective of reestablishing a variety of populations of plants and animals indigenous to the area immediately prior to prospecting or mining, unless such reestablishment is inconsistent with reclamation as defined herein.
- (8.) Disturbance to wetlands shall be minimized in accordance with provisions of *Wis. Stats.* 144.83 and administrative rules.
- (9.) No destruction or filling in of a lake bed shall occur.
- (10.) Bonds shall be provided for the purposes in Sub Section 15.31.2(9.) below to the extent that those provided to the Wisconsin Department of Natural Resources (DNR) are not sufficient.

15.26.7 A permit may be denied if any of the following situations may reasonably be expected to occur during or subsequent to prospecting or mining:

- (1.) Significant landslides or substantial deposition from the proposed operation in stream or lake beds.
- (2.) Significant surface subsidence which cannot be reclaimed.
- (3.) Hazards resulting in irreparable damage to any of the following, which cannot be avoided by removal from the area of hazard, or mitigated by purchase, or by obtaining the consent of the owner.
 - (A.) Dwelling houses.
 - (B.) Public structures.
 - (C.) Schools.
 - (D.) Churches.
 - (E.) Cemeteries.
 - (F.) Commercial or institutional structures.
 - (G.) Public roads.
 - (H.) Habitat required for survival of vegetation or wildlife designated as endangered through prior inclusion in rules adopted by the DNR if such endangered species cannot be firmly reestablished elsewhere.

15.26.8 A M-PUD and/or CD shall not be granted hereunder unless a corresponding prospecting or mining permit application has been submitted to the DNR.

15.26.9 In the case of a M-PUD and/or CD for mining, the proposed operation shall be denied if the mining operation is projected to result in a net substantial adverse economic impact to the county over the life of the proposed operation.

15.26.10 No withdrawal of groundwater or de-watering of mines may be made to the detriment of public or private water supplies.

**15.27 SUBMITTING REQUIREMENTS:
M-PUD AND/OR CD**

15.27.1 Community Impact Report

In the case of a M-PUD and/or CD for mining, a community impact report containing the information required by Section 15.03.1(4), in addition to the information described below shall be prepared and presented at the time of application. To the extent that any information is provided to the DNR by the applicant pursuant to *Wis. Stats. 23.11(5.)* or other appropriate statutory provisions, the need to repeat the same in the community impact report shall be waived and a copy of all such information shall be provided to the county. To the extent that any of the following information is not so provided to the DNR, it shall be provided directly to the county.

- (1.) A description of all significant baseline conditions within the proposed permit area, and within the areas of the county reasonable expected to be significantly impacted by the activity shall be provided, including an estimate

of such baseline conditions for the project life of the proposed operation if the proposed operation were not permitted. Such baseline conditions shall include, but not be limited to the following:

(A.) Economic activity.

(B.) Groundwater, surface water.

(C.) Air quality.

(D.) Noise levels.

(E.) Major land uses.

(F.) Visual appearance.

(G.) Housing.

(H.) Traffic.

(I.) Utilities, schools, police, and fire protection, sewage treatment, and other public services unique cultures, and lifestyle, wildlife, and vegetation.

- (2.) A description of all significant aspects of the proposed operation shall be provided including, but not limited to the following:

(A.) Anticipated timing of each major phase from construction through reclamation.

(B.) All major facilities, mine shaft, opening, head frame, mill, or other processing facility, tailings disposal system, other waste disposal areas, sediment ponds, offices, other structures, roads, railroad lines, and utilities.

(C.) All other major land uses within the permit area.

(D.) Expected ranges of volumes or tonnages and composition of all mine products, including, all mine tailings and other wastes.

(E.) Maximum lateral extent, and minimum and maximum depth of underground workings.

(F.) Methods for sealing all shafts and other entries.

(G.) Principal types of mining and processing equipment used.

(H.) Reagents to be used in processing.

(I.) Noise and vibration levels expected from the operation.

(J.) Plans for visual screening.

(K.) Measures to be taken to assure compliance with applicable air and water-quality standards.

- (L.) Anticipated hours of operation, months during the year the activity will occur, and number of years the operation will be active.
- (M.) An estimate of the number of employees directly employed by the operation, by phase, including construction, as well as an estimated breakdown of the number of employees by job classification.
- (N.) An estimate of the number of employees expected to be recruited from the county including a general description of the applicant's recruitment and training program.
- (O.) An estimate of anticipated utility and other public service and facility requirements.

(3.) An analysis shall be provided of all significant impacts of the proposed mining operation on the county as well as on townships within the county, reasonably expected to be significantly impacted by the activity. Such analysis of impacts shall include, but not be limited to, impacts on all baseline conditions identified above as well as impacts from temporary shutdowns of substantial duration and permanent closure of the mine.

15.27.2 Reclamation Plan

A reclamation plan shall be prepared and submitted with an application for either prospecting or mining. The following information is provided to the DNR pursuant to either *Wis. Stats. 144.84*, or *144.85*, the need to repeat the same shall be waived and a copy of such information shall be provided to the county. To the extent that any of the following information is not so provided to DNR, it shall be provided directly to the county. The plan shall include the following:

- (1.) A description of the proposed reclamation including final land use, final land shape, estimated final topography, and the annual sequence of reclamation activity to be conducted.
- (2.) A description of the utility and capacity of the reclaimed land to support the proposed sequential use.
- (3.) A description of the measures to be taken to protect top soils prior to prospecting or mining.
- (4.) A description of the grading and backfilling sequences, final slope angles, high wall reduction, benching, and terracing of slopes, slope stabilization, and erosion control.
- (5.) A description of reclamation of waste areas, tailings ponds, sediment ponds, haulage roads, access roads, surface structures, and related facilities.
- (6.) A description of the final surface drainage, water impoundments, and artificial lakes on the affected property.
- (7.) A description of plan types, planting sequences, and maintenance or replacement of vegetative cover both during the proposed operation and upon completion of site reclamation.
- (8.) A plan for the adequate covering or disposal of all pollutant-bearing minerals or materials.
- (9.) The estimated cost of reclamation on a per acre of total project basis, and proof that bonds sufficient to provide for such cost have been, or will be, provided to the DNR pursuant to state law.
- (10.) A description of the manner of preventing pollution as defined in *Wis. Stats. 144.01(11)* resulting from the leaching of waste materials.
- (11.) A description of the manner of preventing significant environmental pollution as defined in *Wis. Stats. 144.30(9.)*.

15.27.3 Content of Submitted Drawings

An application for a M-PUD and/or CD for either prospecting or mining shall include maps as required by Section 15.03.1(3.) and in addition, to a series of maps or plans showing the proposed sequence of the proposed operation, direction and depth of the proposed operation, expansion of waste dumps, tailings ponds, and other materials movement.

15.28 TERMINATION OF MINING M-PUD AND/OR CD

Each applicant shall provide notice of intent to permanently terminate all activity at project site no later than one (1) year before proposed operation is to terminate. Each applicant shall likewise provide notice by the end of each calendar year of any significant changes in anticipated timing of each major phase of the project as originally reported pursuant to Section 15.30.

15.29 OWNERSHIP TRANSFER M-PUD AND/OR CD

No applicant shall assign, well, lease, or transfer any rights granted under a permit until the succeeding person has complied with all requirements of this section. Upon such showing, the county board shall release the initial applicant from its requirements and transfer the permit to the successor.

Section 16: Conditional uses

16.01 GENERAL

Uses listed as permitted by conditional permit may be authorized in a district in which permitted, upon application to the zoning office and subject to committee's approval an issuance of a conditional-use permit.

16.02 PROCEDURE

A request for a conditional-use permit shall be submitted in writing to the county zoning administrator who, after receiving the application, will refer the application to the County Zoning Committee. The request shall be accompanied by scale or distance maps or drawing prepared to the best of the applicant's ability, showing legibly and accurately the location, size and shape of the lot(s) involved, and of any proposed structures, including the relation to abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure, the design of any required parking areas, driveways, or internal roadways.

16.03 HEARING

A Class 2 notice hearing shall be scheduled by the zoning administrator as provided for in Section 2.02.2 of this ordinance. Related hearings under Section 15 may be scheduled concurrently.

16.04 DETERMINATION

The Zoning Committee shall act on the application after considering hearing comments, and general and specific requirements given below. The Committee shall report its decision within ninety (90) days after the filing of the application, except for conditional use applications considered a part of a Planned Development Proposal (see Section 15). Its decision shall include an accurate description of the used permitted, of the property on which it is permitted, and any and all conditions made applicable thereto.

16.05 RECORDING

When a conditional use is approved, an appropriate record shall be made at the zoning office, of the land use and structure permits, and conditions specified by the Zoning Committee. Such permits shall be applicable solely to the structures, use, and property so described.

16.06 TERMINATION

Where a permitted conditional use does not continue in conformity with conditions of original approval, the conditional-use permit shall be terminated by action of the Zoning Committee and may be considered by committee as a violation of the ordinance. Procedure for termination shall be the same as for approval, except it shall be proceeded by issuance of notice of violation, and of any necessary citations, which if left unpaid and not corrected, provide the basis for the termination.

16.07 GENERAL CONDITIONS IMPOSED

In issuing any Conditional-Use Permit, the Planning Committee may impose such conditions or restrictions as it deems necessary to protect the public interest and the stated purposes of the ordinance, including but not limited to, matters relating to appearance, lighting, hours of operation, and performance characteristics. A conditional-use permit may be approved only upon finding all of the following:

- (1.) The use conforms to all county and local plans or policies.
- (2.) The use is compatible with the existing neighborhood.
- (3.) The location of the proposed use is considered to be consistent with a desirable pattern of development for the area.
- (4.) The use conforms to conditions listed below, by specific use.

16.08 RESIDENTIAL CONDITIONAL USES

All residential uses listed as conditional uses in the Sewer CM District may be permitted, provided that such use will not conflict with the maintenance and development of the district as a concentrated retail shopping and service center. An apartment or other living quarters attached to, or part of, commercial structures is an example of an acceptable use. New single-family homes placed near, or between, commercial structures would not be acceptable.

16.09 THREE- (3) AND FOUR- (4) UNIT APARTMENTS IN THE VR, VC, AND SL DISTRICTS

(1.) Such uses may be permitted if there is not significant conflict with one- and two-family home development in the area. Depending on the location and characteristics of the site, the committee may require wider yards or special landscaping or vegetative screening in order to avoid conflict with neighboring uses.

(2.) Special attention should be given to adequate parking (see Section 18), driveway location, and traffic patterns in the area.

16.10 FIVE -(5) OR MORE UNIT APARTMENTS IN THE R2 DISTRICT

(1.) Such uses may be permitted according to Section 16.09 above.

(2.) The Zoning Committee should also note that it is the intent of this ordinance to allow for adequate sites within this district to meet the county demand for multi-family units.

16.11 MANUFACTURED/MOBILE HOME PARKS IN THE VR, VC, SL, R2, AND CM DISTRICTS

(1.) An application for a Manufactured/Mobile Home Park Use Permit shall contain complete plans and specifications of the proposed park showing, but not limited to, the following:

- (A.) The area and dimensions of the tract of land; topographic sketch of the land.
 - (B.) The number, location, and size of all manufactured/ mobile home lots and required parking spaces.
 - (C.) The location and width of roadways and walkways.
 - (D.) The location of public utilities.
 - (E.) Plans and specifications of all structures constructed or to be constructed in the park.
 - (F.) Plans and specifications for landscaping.
- (2.) Manufactured/Mobile Home Parks shall meet the following minimum requirements. The County Zoning committee may increase, to meet standards of the R2 district, or make the development more compatible to its site and to surrounding properties.
- (A.) Minimum size: five (5) acres.
 - (B.) Minimum dimensions of a manufactured/mobile home site: sixty (60) feet wide and one hundred (100) feet long.
 - (C.) Minimum distance between manufactured/mobile homes: twenty-five (25) feet.
 - (D.) Minimum distance between manufactured/mobile home and service road: twenty-five (25) feet.
 - (E.) Each manufactured/mobile home site shall be connected to a public water and a public sewage disposal system, or a private common sewage and water supply system approved by the Wisconsin Department of Commerce.
 - (F.) All drives, parking areas, and walkways shall be hard surfaced. Two (2) parking spaces shall be provided for each manufactured/mobile home.
 - (G.) No structure shall be located within one hundred (100) feet of adjacent property lines.
 - (H.) Exposed ground surfaces in all parts of every manufactured/mobile home park shall be paved, covered with stone, or other solid material, or vegetative growth that is capable of preventing soil erosion.
 - (I.) Recreational facilities should be provided in a central location. Not less than fifteen (15%) percent of the gross site area shall be devoted to open space. Open space shall not include any setback or buffer areas, or be unusable for recreational use.
 - (J.) All manufactured/mobile home parks located adjacent to residential, recreational, commercial, or industrial land uses shall provide screening such as fences or natural growth along the property line separating the park and such uses, and shall be maintained in a neat and orderly fashion.
 - (K.) All manufactured/mobile home parks shall have a private or public internal roadway or system of roadways that allow access of personal, emergency, and utility vehicles to individual manufactured/mobile home sites under all weather conditions. A minimum of two (2) accesses from public streets to the internal roadway shall be provided for use of emergency vehicles. Access to public streets must be in accordance with Section 18 of this ordinance. Parking spaces for individual homes may not have direct access to public streets except via the internal roadways.
 - (L.) Utility service lines shall be located underground within the manufactured/mobile home park.
 - (M.) Each manufactured/mobile home must be kept in good repair and must be equipped with skirts within thirty (30) days of being placed on its site.
 - (N.) Every manufactured/mobile home shall be anchored or tied down. Each corner of the stand shall be so equipped and be able to sustain a minimum load of four thousand eight hundred (4,800) pounds.
 - (O.) The commercial sale of manufactured/mobile homes in a manufactured/mobile home park is prohibited.
 - (P.) Common storage or parking areas shall be provided for recreational vehicles and boats. Such area shall include one hundred (100) square feet per mobile home space.

16.12 GROUP HOMES WITH TWELVE (12) OR MORE RESIDENTS IN THE GR, VR, VC, SL, R2, AND CM DISTRICTS

- (1.) There shall be no overcrowding of the structure, and the structure and lot shall not be nonconforming according to this ordinance.
- (2.) Additionally, the conditions for Five (5) or More Unit Apartments (Section 16.10) will apply.

(3.) In sewered areas, minimum lot size shall be twenty one thousand seven hundred eighty (21,780) square feet in the first six (6) residences, plus two thousand five hundred (2,500) square feet for each three (3) additional residences.

16.13 RECREATIONAL VEHICLE (RV) PARKS FOR LONG-TERM USE (OVER ONE–(1) MONTH STAY) IN THE VR, VC, SL, R2, AND CM DISTRICTS.

The condition for Mobile Home Parks (Section 16.11) shall be met with the following changes:

(1.) Instead of (2.)(B.), minimum dimensions of the RV sites are forty (40) feet wide and fifty (50) feet long.

(2.) Instead of (2.)(M.), no skirts are required around the RV.

(3.) Instead of (2.)(N.), no anchoring or tie-down provision applies.

(4.) In addition, common bath and toilet facilities shall be provided, including at least one (1) shower, toilet, and sink for each ten (10) RV sites, or fraction thereof.

(5.) A laundry facility shall also be provided on premises, to include clothes washing machines and dryers.

(6.) Section 16.11(2.)(P.) does not apply.

16.14 HOME OCCUPATIONS WITH PATRONS ON PREMISES IN THE GR, R1, VR, SL, AND R2 DISTRICTS

(1.) No more than two (2) individuals shall be employed besides the members of the immediate family.

(2.) Such use shall not include the operation of any heavy machinery, or other equipment, which would be incompatible with the surrounding residential area.

(3.) Such use shall not involve the serving of any beverage, food, the on-lot retail or wholesale of goods or materials; nor the removal of sand, gravel, stone, topsoil, peat, or moss for commercial purposes.

(4.) The use shall not involve more than twenty-five (25%) percent of the floor area of the structure.

(5.) Any off-street parking area provided shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.

16.15 ROOMING HOUSES WITH THREE (3) TO ELEVEN (11) RENTED UNITS IN THE VR, VC, AND CM DISTRICTS

The same conditions as Group Homes (Section 16.12) and Five (5) or More Unit Apartments (Section 16.10).

COMMERCIAL CONDITIONAL USES

16.16 LOCAL OR NEIGHBORHOOD COMMERCIAL USES IN THE GR, VC, AND SL DISTRICTS

(1.) The use clearly fits the definition of “local or neighborhood” business (Section 23).

(2.) The use will not conflict with other neighboring uses, especially residential. The Zoning Committee may require screening by fence or vegetative planting to achieve this purpose.

(3.) Entrances and exits to public roads will not cause traffic hazards (Section 18).

16.17 TOURIST AND LAKE-ORIENTED COMMERCIAL IN THE VC AND SL DISTRICTS

(1.) The use shall be clearly related to lake-oriented or tourist customers.

(2.) The use will not conflict with other neighboring uses, especially residential. The Zoning Committee may require screening by fence or vegetative planting to achieve this purpose.

(3.) The use will not conflict with public use of the water for swimming, fishing, or boating.

(4.) Piers and other uses located over water are subject to applicable state law.

16.18 AUTO-ORIENTED FACILITIES OF COMMERCIAL USES IN THE CM DISTRICT

The facility shall meet all provisions of Section 18, “Parking and Driveway Requirements”.

16.19 GENERAL RETAIL AND SERVICE ESTABLISHMENTS IN THE VC DISTRICT

Such use shall not conflict with neighboring residential uses, or cause traffic problems.

16.20 DRIVE-IN THEATERS IN THE GR, VC, AND CM DISTRICTS

(1.) The screen face will not be oriented toward public streets, or roads, or established residential areas.

(2.) The provisions of Section 18, “Parking and Driveway Requirements”, shall be met.

16.21 FORESTRY OR FARM EQUIPMENT SALES AND SERVICE ESTABLISHMENTS IN THE GR AND VC DISTRICTS
Such uses shall not conflict with neighboring uses, especially residential. The Zoning Committee may require screening with fences or vegetation to achieve this purpose.

INDUSTRIAL AND WHOLESALING CONDITIONAL USES

16.22 INDUSTRIES WITH POTENTIAL HIGH HAZARD, POLLUTION, OR NUISANCE IN THE IN DISTRICT

(1.) Such industries shall meet any and all Federal and State laws and standards, and the risk of hazard, pollution, or other public nuisance shall be reduced to the maximum extent practicable.

(2.) Special attention should be given to eliminating such risk to residential areas, schools, and public recreation areas.

16.23 SAND AND GRAVEL PITS FROM WHICH ONE THOUSAND (1,000) OR MORE CUBIC YARDS PER YEAR ARE TAKEN, IN THE GR OR IN DISTRICTS

(1.) Applications requesting Planning Committee approval of a proposed sand and gravel pit shall be accompanied by:

(A.) A description of all phases of the contemplated operation including types of machinery and equipment which will, or might be, necessary to carry on the operation. Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source, and its disposition shall be identified.

(B.) A map of the proposed site and the area extending beyond the site to a minimum distance of three hundred (300) feet on all sides.

(2.) The County Zoning Committee shall take into consideration the compatibility in reviewing a proposal for sand and gravel pit activity.

(A.) The effect of the proposed operation on drainage and water supply, particularly in connection with sand and gravel washing.

(B.) The possibility of soil erosion as a result of the proposed operation.

(C.) The most suitable land use for the area, and its effect on the land use in adjacent areas.

(3.) No permit to carry on an operation shall be given until the Planning Committee approves a restoration plan and the owner agrees in writing to restore the quarried area to a condition of practical usefulness and reasonable physical attractiveness as provided in the conditional-use permit or within six (6) months after the quarrying operations have ceased. Failure to carry out restoration will be considered a violation of this ordinance.

(4.) Conditions of Approval

The Planning Committee may set forth conditions regarding appropriate setback and other dimensional requirements, particularly with reference to avoiding a nuisance effect on surrounding residential uses. Suitable fencing and landscaping may be required.

(5.) Within three (3) years after the effective date of this ordinance any such existing operation shall be subject to the provisions of paragraphs (4.), and (5.) of this section.

16.24 SALVAGE YARDS, PROCESSING AND RECYCLING FACILITIES IN THE GR AND IN DISTRICTS

(1.) Salvage materials processing, and recycling facilities shall not be located within three hundred (300) feet of public roads, streets, and highways, and all establishments of this kind shall have minimum side and rear yards of one hundred (100) feet each.

(2.) Salvage materials shall be enclosed by a fence or planting screen so the materials are not visible from other properties in the vicinity of the junkyard, or from a right-of-way such as roads, streets, highways, and waterways. The fence or planting screen shall be kept in good repair.

(3.) Salvage materials shall not be piled higher than the height of the fence or screening, nor against the fence or screening.

(4.) For fire protection, an unobstructed firebreak shall be maintained, sixteen (16) feet in width and entirely surrounding the salvage yards.

(5.) Processing and recycling facilities are also subject to the conditions for Industries With Potential High Hazard, Pollution Or Nuisance (Section 16.22).

16.25 MINERAL EXPLORATION IN ALL DISTRICTS EXCEPT IN THE GR DISTRICT WHERE IT IS A PERMITTED USE

All license applications and notices submitted to the Wisconsin Department of Natural Resources pursuant to Wis. Stats. 144.832 shall be submitted to the zoning committee.

16.26 WHOLESALE ESTABLISHMENTS IN THE VC DISTRICT

(1.) The same provisions as General Retail and Service (Section 16.19).

(2.) Additionally, such establishments should be located on established truck routes, state, or federal highways.

16.27 WAREHOUSES AND FOOD LOCKERS IN THE VC AND CM DISTRICTS

(1.) The same provisions as Wholesale Establishments (Section 16.26).

(2.) Additionally, adequate safeguards must be made for the storage of any hazardous or explosive materials.

16.28 TRUCK TERMINALS IN THE GR, VC, AND CM DISTRICTS

(1.) Same provisions as for Forestry or Farm Equipment Sales and Services (Section 16.21).

(2.) No trucks will be parked closer than seventy-five (75) feet from any lot line.

(3.) Locations must front on state or federal numbered highways.

16.29 PETROLEUM PRODUCTS DISTRIBUTION AND STORAGE FACILITIES IN THE GR, VC, CM, AND IN DISTRICTS

(1.) The same conditions as Truck Terminals (Section 16.28).

(2.) Containment structures such as earthen walls shall be provided around storage tanks, no tank shall be closer than two hundred (200) feet from any lot line.

FORESTRY AND FARMING CONDITIONAL USES

16.30 CONFINED LIVESTOCK FEEDING IN THE GR DISTRICT

(1.) Such use shall not be located closer than one hundred (100) feet from any lot line.

(2.) A plan for the confined feeding operation shall be approved by the Forest County Soil and Water Conservation District. Such approval shall be based on minimizing or eliminating water pollution, soil erosion, and odors.

16.31 PERMANENT FOREST PROCESSING IN THE GR DISTRICT

(1.) Sawmills and other processing operations shall be located at least two hundred fifty (250) feet from any lot line.

(2.) Storage of logs or finished lumber products shall be located at least one hundred (100) feet from any lot line.

(3.) From any driveway used by trucks to enter a public roadway, there shall be clear visibility along the roadway for a distance of at least five hundred (500) feet, and no condition shall be created which would make truck entrances unnecessarily hazardous.

(4.) Screening may be required between the processing facility and other properties.

FACILITIES CONDITIONAL USES

16.32 SANITARY LANDFILLS IN GR AND IN DISTRICTS

(1.) All such establishments shall have minimum side and rear yards of one hundred (100) feet each and shall be located five hundred (500) feet from public right-of-ways, except for right-of-ways that serve as access solely to the landfill site.

(2.) The landfill shall be enclosed by a suitable fence or planting screen so the materials are not visible from other property in the vicinity of the landfill, nor from a public right-of-way such as roads, streets, highways, and waterways.

(3.) A permit shall be obtained from the State Division of Health, or other state agency authorized by law to issue such permit, certifying that the landfill will not pollute ground and surface waters in the area.

(4.) A sixteen (16) foot-wide unobstructed firebreak completely surrounding the landfill shall be maintained for fire protection.

(5.) No landfill in which burning activities are planned at the site shall be permitted to pollute the air or nearby populous area.

16.33 WASTEWATER TREATMENT PLANTS IN GR, SL, AND IN DISTRICTS

(1.) There must be a sound engineering reason for locating on the proposed site.

(2.) Adequate buffering from neighboring properties shall be provided through yard and setback requirements and/or screening.

16.34 PUBLIC WATER WELLS, TREATMENT, AND STORAGE FACILITIES IN VR, VC, SL, R1, AND R2 DISTRICTS

(1.) Same as Wastewater Treatment Plants (Section 16.33).

16.35 SCHOOLS AND LIBRARIES IN VR, R1 AND R2 DISTRICTS

(1.) Consideration shall be given to traffic that the facility will generate, and the safety of persons going to and from the facility.

(2.) Special attention shall be given to parking requirements (Section 18).

16.36 CHURCHES IN VR, SL, AND R1 DISTRICTS

(1.) Same as Schools and Libraries (Section 16.35).

16.37 HOSPITALS AND NURSING HOMES IN VC, R2, AND CM DISTRICTS

(1.) Same as Schools and Libraries (Section 16.35).

16.38 AIRPORTS – COMMERCIAL IN, GR, AND PRIVATE LANDING STRIPS IN GR AND IN DISTRICTS

(1.) The facility and surrounding area shall conform to Wisconsin DOT/FAA regulations regarding such items as location, construction, clear zones, and glide path height limitations.

(2.) Concern shall be given to noise, glare from runway lights, and possible hazards affecting neighboring residences and other structures.

16.39 COMMUNICATIONS TOWERS IN GR AND IN DISTRICTS

Distance to any lot line shall exceed the length of the tower or an easement shall be secured for the area in a radius equal to the length of the tower. No structures occupied by humans shall be placed, except for radio or television stations, or other structures associated with the tower.

16.40 RADIO AND TELEVISION STATIONS IN GR AND VC DISTRICTS

(1.) Such stations may be permitted in the GR District only on the same lot as the transmission tower. Additionally, the station in the GR District shall conform to requirements for the Local Or Neighborhood Uses (Section 16.16).

(2.) Such station may be permitted in the UC Districts under the same conditions as General Retail and Service (Section 16.19).

16.41 ELECTRIC POWER SUBSTATIONS IN THE VC, SL, AND CM DISTRICTS

(1.) Such facilities shall not constitute a hazard to persons or property in the vicinity.

(2.) Adverse visual affects of the facility on surroundings shall be minimized.

RECREATION CONDITIONAL USES**16.42 CLUBHOUSE OR LODGE IN THE VR, SL, AND R2 DISTRICTS**

(1.) Special consideration shall be given to avoiding traffic and parking problems.

(2.) Screening may be required to reduce impact on neighboring residential uses.

16.43 CAMPGROUNDS IN THE GR, SL, AND R2 DISTRICTS

(1.) The minimum size of a camping area shall be five (5) acres.

(2.) The maximum number of camping sites shall be five (5) per acre.

(3.) Minimum dimensions of a camping site shall be fifty (50) feet wide by forty (40) feet long.

(4.) Each camping site shall be separated by a yard no less than fifteen (15) feet wide.

(5.) There shall be one and one-half (1½) automobile parking spaces for each camp site.

(6.) There shall be a minimum setback for each camping site of forty (40) feet from all other exterior lot lines.

(7.) The campground shall conform to Section H77, *Wisconsin Administrative Code*, and as subsequently amended, shall apply.

(8.) No camping site shall be continuously occupied by the same person, or persons, for over thirty (30) days.

16.44 PUBLIC SWIMMING POOLS IN THE VR, VC, SL, R2, AND CM DISTRICTS

Same as Clubhouse Or Lodge (Section 16.43).

16.45 GOLF COURSES AND CLUBHOUSE IN THE GR, VR, SL, R1, AND R2 DISTRICTS

(1.) The layout of the course shall be such that the hazard from golf balls for persons and property is minimized.

(2.) Near sewer areas, thought is to be given to the affect of course location on possibilities for expansion of development served by sewer.

16.46 SHOOTING RANGES IN THE GR DISTRICT

(1.) The Zoning Committee shall evaluate potential hazards to adjacent uses, topography, ground cover, and noise.

(2.) The firing of rifled arms and shotgun slugs shall not be permitted directly toward, or over, navigable waters, public or private roads or drives, toward any structure, nor directly toward any population concentration which is located within one and one-half (1½) miles.

There shall be an adequate shot fall or bullet impact area; a defined firing line or firing direction; and, adequate target backstops for the firing of rifled arms.

(3.) Shooting ranges shall be clearly identified by signs not less than four (4) square feet in gross area, located at intervals of not less than twenty-five (25) yards around the perimeter and ranges shall be securely fenced off from adjacent lands and waters.

(4.) See Section 23 for definition of Shooting Range.

16.47 FAIRGROUNDS, AMUSEMENT PARKS, GO-CART, OFF-ROAD VEHICLE COURSE, OR MOTORCYCLE TRAILS IN THE GR, VC, AND SL DISTRICTS

(1.) Special consideration shall be given to traffic, lighting, hours and dates of operation, and possible noise and dust generated.

(2.) Screening may be required.

(3.) No racetrack or other path for recreational motor vehicles shall be permitted within three hundred (300) feet of any lot line.

16.48 SPORT EQUIPMENT RENTAL IN THE GR, VC, AND SL DISTRICTS

(1.) Same as Local Or Neighborhood Commercial (Section 16.16).

16.49 STABLES IN THE SL DISTRICT

(1.) Stables are not permitted within three hundred (300) feet of navigable waters.

(2.) Additional conditions for stables with over ten (10) animals are the same as for Confined Livestock Feeding (Section 16.30).

(3.) No stable shall be located within two hundred (200) feet of a lot line.

16.50 GROUP CAMPS IN THE GR AND SL DISTRICTS

(1.) The minimum lot area is five (5) acres, the minimum lot width is two hundred (200) feet at the structure line and waterline.

(2.) All structures shall be more than one hundred (100) feet from the side lot line.

(3.) All structures and parking lots shall be screened by a suitable species of vegetation from adjacent residential lots.

16.51 FISH HATCHERIES IN THE SL DISTRICT

(1.) State laws regarding fish hatcheries must be complied with.

(2.) There shall be no adverse affect on neighboring properties. Screening may be required if appropriate.

16.52 EXCEPTIONS TO HEIGHT LIMITATIONS IN ALL DISTRICTS

(1.) Appropriate firefighting equipment for a structure of the proposed size and type must be available.

(2.) At least two fire exits shall be supplied to upper portions of the structure regularly used by humans.

(3.) The structure shall be engineered and constructed to withstand stresses due to wind, vibration from traffic, settling, freeze-thaw cycles, and other stresses imposed by the natural or human environment of Forest County.

(4.) The structure shall not pose a hazard to surrounding properties due to falling objects or potential falling of the structure itself.

(5.) Unless the proposed activity is in a Planned Development or the CM or IN districts, the structure shall not interfere with the surrounding residential character of the area.

Section 17: Industrial Performance Standards

17.01 COMPLIANCE REQUIRED

No land shall be used or occupied in any manner so as to violate any applicable State of Wisconsin or Federal environmental or safety statute, regulation, or standard.

Particular attention shall be given to assuring strict compliance with laws and standards for the following conditions:

(1.) Air pollution, including but not limited to fly ash, dust, odors, fumes, smoke, vapors, gases, and other particulate.

(2.) Surface water pollution, including but not limited to, point source discharges.

(3.) Groundwater pollution.

(4.) Solid or liquid waste disposal.

(5.) Radioactivity, and electrical disturbances.

(6.) Fire and explosives.

(7.) Noise.

17.02 ADDITIONAL CONSIDERATIONS

No land shall be used or occupied in any manner so as to create glare, vibration, or heat, which significantly affects the public health, safety, comfort, convenience, prosperity, aesthetics, and other aspects of the general welfare.

Section 18: Parking and Driveway requirements

18.01 INTENT

It is the intent of this ordinance to provide adequate vehicle parking for all uses and to prevent particular uses from imposing unnecessary burdens on public roads due to hazardous driveways, blocking traffic, or other nuisances.

18.02 NUMBER OF OFF-STREET PARKING SPACES REQUIRED

The number of spaces listed in the table below shall be interpreted to be minimums. When considering conditional uses, the zoning committee may require additional spaces if there is reason to believe the listed requirements will not provide adequate off-street parking.

(1.) In calculating number of employees, the maximum number of employees likely to be on the premises at one time shall be used.

<u>Uses</u>	<u>Number of Spaces Required</u>
(1) Dwellings, including Manufactured/Mobile Homes	2 for each dwelling unit
(2) Hotels, Motels, or Resorts	1 for each guest room or unit, plus 1 for each employee
(3) Hospitals	1 space for each 2 beds plus 1 for each employee
(4) Sanitariums, Nursing Homes, Rest Homes	1 space for each 5 beds plus 2 for each employee
(5) Medical and Dental Offices	6 spaces for each doctor
(6) Churches, Theaters, Auditoriums Town Halls, Funeral Parlors Community Centers, Vocational Schools, Other Places of Public Assembly	1 space for each 4 seats, or 1 space for each 28 square feet of floor area if no permanent seats are provided
(7) Elementary Schools	1 space for each employee plus 1 space for each 20 students
(8) High Schools	1 space for each 500 square feet of floor area
(9) Restaurants, Bars, Places of Entertainment, Repair Shops, Retail And Service Stores	1 space for each 150 square feet of floor area
(10) Manufacturing, Processing Plants Warehouses	1 space for each employee
(11) Banks, Business, Governmental And Professional Offices	1 space for each 300 feet of floor area
(12) Bowling Alley	5 spaces for each alley
(13) Automotive Services, Drive -in Retail Establishments	1 space for each 2 employees plus space for customer parking
(14) Group Homes, Boarding Homes	2 spaces for each 3 residents plus 1 space per non- resident employee

18.03 PARKING SPACE SPECIFICATION

(1.) All required spaces shall contain a rectangular area with a minimum width of ten (10) feet and a minimum length of eighteen (18) feet.

(2.) Except for one-(1) and two-(2) family homes, all parking spaces shall be permanently marked by painted lines, parking blocks, posts, or other suitable markers.

(3.) Except for one-(1) and two-(2) family homes, each required parking space shall be arranged with respect to driveways in such a way as to allow safe and easy entrance and exiting of a standard-sized passenger car without moving any other properly parked vehicle.

(4.) Except in one-(1) and two-(2) family dwelling units, the parking area shall be arranged with an internal driveway which permits access to all parking spaces and the public streets. No parking space shall have direct access to a public street except via the internal driveway, and no parking space shall be arranged to require or encourage the vehicle to back onto a public street.

18.04 DRIVE-UP WINDOWS

Sufficient waiting area shall be provided so that at peak periods of use, vehicles waiting to use the drive-up window shall not line up on a public right-of-way, block a required parking space, or block an entrance or exit to a required parking area.

18.05 DRIVEWAYS SERVING REQUIRED PARKING SPACES AND DRIVE-UP WINDOWS, EXCEPT ONE-(1) AND TWO-(2) FAMILY HOUSES

(1.) Driveways at point of contact with a public road shall have a minimum width of ten (10) feet and a maximum width of thirty (30) feet, except drives for commercial, industrial, and other uses catering to, or requiring, truck traffic may be a maximum of thirty-five (35) feet at the property line.

(2.) When connected driveways provide access to more than one (1) street, driveways and parking areas shall be designed in a way that does not encourage vehicles to cross the property in order to take shortcuts or evade stop signs or other traffic control devices.

(3.) Driveways shall be located and designed to be as safe as practical and to cause the minimum interference with the orderly flow of traffic on public streets. This includes, but is not limited to, consideration of the following:

(A.) Clear visibility for at least one hundred (100) feet in each direction on streets with a speed limit of 30 miles per hour or slower, or visibility of three hundred (300) feet on all other public streets.

(B.) No driveway shall be placed directly in line with a driveway on the opposite side of the street.

(C.) Location of driveway with respect to intersections, turning lanes, and other driveways.

(D.) Effect on traffic flow on public streets.

(4.) No drive-up window, parking lot, or driveway should conflict with neighboring property. Screening by fences, vegetation, earth berms, or other devices may be required to avoid conflicts.

Section 19: signs

19.01 INTENT

The size, type, and location of signs shall be as provided by this section as affecting each zoning district, except when State regulations are more prohibitive, and except that this ordinance is not intended to prohibit “no hunting”, “no trespassing”, “for sale”, “for rent”, temporary political campaign signs, home occupation signs, or similar signs not larger than six (6) square feet in gross area.

19.02 PROHIBITED SIGNS

The following signs are prohibited:

(1.) Any sign, especially illuminated signs, which interferes with the vision of motor vehicle operators, or faces, or shines, directly upon any residential property located in a residential district.

(2.) Rotating, moving, or flashing signs.

(3.) Signs that are of a size, location, movement, content, coloring, or manner of illumination which may be confused with, or construed as, a traffic control device; or which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at a street or road intersection.

(4.) Advertising signs, posters, place cards, and circulars on any public right-of-way or public property, except those placed or approved by a unit of government.

(5.) Business signs that advertise an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located.

(6.) Any sign over six (6) square feet in an area on a lot where the primary use is residential, or on undeveloped, platted lots within the Village Residential (VR), One-(1) and Two-(2) Family Residential (R1), or Multi-Family Residential (R2) Districts.

(7.) Any sign over thirty (30) square feet in area for non-residential uses in the Village Residential (VR), One-(1) and Two-(2) Family Residential (R1), or Multi-Family Residential (R2) Districts.

(8.) Any sign over six (6) square feet clearly visible from and facing toward a navigable body of water.

19.03 OFF-PREMISES SIGNS

(1.) The land where the sign will be located is zoned for business (such as commercial, industrial, manufacturing, etc.) Agricultural zoning is not considered business zoning for the purposes of signing.

19.03.1 Along interstate highways

(1.) The land must have been within the municipality boundary by, or before, September 1, 1959, and is today zoned commercial or industrial or:

(2.) The land must have been zoned commercial or industrial by, or before, September 1, 1959, and is still similarly zoned.

19.03.2 Along highways other than interstate.

(1.) The underlying land must be officially zoned commercial, industrial, or other business type zoning. If the land is entirely unzoned, there must be a functioning business within eight hundred (800) feet of the proposed sign location along the same side of the highway.

(2.) Proposed sign locations

(A.) Five (5) miles from any other off-premises category sign along the same side of the highway and any intersection at-grade, or from any interchange ramp end, as applicable.

(B.) One thousand (1,000) feet from any rest area or wayside.

(C.) The sign will not contain any flashing or moving lights or any moving parts.

(D.) Proof or statement that there are no scenic easements or deed restrictions which apply to the signing at the proposed sign site.

(E.) The sign shall not resemble an official sign or device.

(F.) The sign shall not generate a highway hazard. (Example: blocking the vision of a motorist on a side road or street.)

(G.) The sign shall not be erected on the highway right-of-way.

19.04 ON-PREMISES SIGNS/ON-PROPERTY SIGNS

(1.) Trans. 201.19 On-property signs

Purpose

Purpose of this section is to interpret the provisions of s.84.30(3)(c.), *Wis. Stats.* Relating to on-property signs.

(2.) Definition

“On-Property Sign” means a sign advertising activities conducted on the property on which it is located. This includes a sign that consists solely of the name of an establishment and a sign that identifies the establishment’s principal product, or services offered on the premises.

(3.) Narrow Strips

Where the sign site is located at, or near, the end of a narrow strip contiguous to the advertised activity, the sign site shall not be considered part of the premises on which the activity being advertised is conducted. A narrow strip shall include any configuration of land which is such that it cannot be put to any reasonable use related to the activity other than for signing purposes.

(4.) Properties Flanked By Two (2) Controlled Highways

(A.) When a property may contain signs visible from two (2) controlled highways, the Department of Transportation interprets *Wis. Stats.* 84.30(3)(c.) 1, to allow up to four (4) single-faced or two (2) double-faced signs on the property, with one (1) sign exposure visible and designed to be read from each of four (4) different directions of travel.

(B.) Whether or not a property may contain signs visible from two (2) controlled highways, the department interprets *Wis. Stats.* 84.30 (3)(c.)2, to allow only one (1) extra on-property sign exposure.

Section 20: Administrative Fees and Penalties

20.01 COUNTY ZONING ADMINISTRATOR

20.01.1 Designation

The County Zoning and Personnel Committee shall appoint a County Zoning Administrator for the administration and enforcement of the provisions of this ordinance. The County Zoning Committee may authorize the Town Chairman of each township to appoint a Deputy Zoning Administrator to assist in the enforcement and administration of this ordinance. Compensation for the Deputy Zoning Administrator will be the responsibility of the town.

The Zoning Administrator may delegate to the Deputy Zoning Administrator any of the duties listed in Section 20.01.2. The Zoning Administrator shall have the power to, cause, rescind, or alter any action of a Deputy Zoning Administrator, and may also suspend their powers under this ordinance until the next regular meeting of the Zoning Committee. Upon appointment of a Deputy Zoning Administrator by a Town, the Zoning Committee shall, at its next regular meeting, vote to approve or deny said appointment. The Zoning Committee shall have the power to dismiss Deputy Zoning Administrators at any time, for cause.

20.01.2 Duties

In administering and enforcing this ordinance, the County Zoning Administrator shall be responsible for the following duties:

- (1.) Provide necessary forms for applications for use permits.
- (2.) Issue land-use permits, conditional-use permits under this ordinance where the provisions of this ordinance have been complied with.
- (3.) Maintain files of applications, permits, and other relevant information.

20.01.3 Powers

The County Zoning Administrator and duly-appointed deputies shall have the powers and authority including, but not limited to, the following:

- (1.) At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection thereof.
- (2.) Upon reasonable cause or question as to proper compliance, to revoke any land-use permit and issue cease and desist orders requiring the cessation of any structure, moving, alteration, or use which is in violation of the provisions of this ordinance.
- (3.) Recommend prosecution and act after conferring with the Zoning Committee to prosecute violators of this ordinance and issue citations pursuant to 20.05.2 hereunder.
- (4.) Refer to town deputies, or to town boards, for investigation, report, or mediation, complaints filed with the County Zoning Administrator, that by their nature, might best be dealt with in initial stages at the town level.

20.02 STATE REVIEW AND FLOOD PLAIN AMENDMENTS

A copy of the public hearing notice together with a copy of the application and resulting decisions for appeals, conditional-use permits, variances, and amendments within Shore Land and Flood Plain areas shall be forwarded to the district office of the Department of Natural Resources for review. The methods and procedures for this review shall be agreed upon in writing between the County Zoning Committee and/or Board of Adjustment and the DNR. Upon agreement, the methods and procedures shall be

adopted by the County Zoning Committee and/or Board of Adjustment as official rules of procedure.

20.03 ZONING PERMITS

Zoning Permits will be issued to insure compliance with provisions of the ordinance. No structure shall be built, moved, or structurally altered, until a land-use permit has been issued by the zoning office. No permit is required, though regulations must still be complied with, or internal structural alterations or structure repair to an existing structure for any construction of under \$1,000 market value, unless such work would create a nonconformity. Routine repair and maintenance shall not require a permit. Market value is defined as what materials and labor together would cost if contracted out to a qualified contractor for the same work, or what an assessor would place as value using an accepted assessment practices handbook.

20.03.1 When Required

Except where another provision of this ordinance specifically exempts certain types of development from this requirement (as in sections 5.32.1(a.), and 20.03.4 Metallic Mining Permits), a zoning permit shall be obtained from the zoning office before any new development, (development as defined in Section 23), or any change in the use of an existing structure or structure, is initiated.

20.03.2 Application

An application for a zoning permit shall be made to the zoning office upon forms furnished by the county and shall include for the purpose of proper enforcement of these regulations, the following data:

- (1.) Name and address of the applicant, property owner, and contract/builder.
- (2.) Legal description of the property, type of proposed use, and an indication as to whether new construction, or a modification to an existing structure is involved.

(3.) Site Development Plan

(A.) The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:

(B.) Location, dimensions, area, and elevation of the lot.

(C.) Location of the ordinary high-water mark of any abutting navigable waterways.

(D.) Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways.

(4.) Location of any existing or proposed on-site sewage systems or private water supply systems.

(A.) Name and address of applicant and property owner.

(B.) Legal description of the property, fire number, and type of proposed use.

(C.) A sketch of the dimensions of the lot and location of structures relative to the lot lines, centerline of abutting highways and the ordinary high-water mark of any abutting watercourses. All lot lines and their dimensions shall be on the plot plan of application. Accurate measurements for setbacks. A scale is not necessary, however, distances need to be indicated.

(D.) Location and description of any existing private water supply or sewage system, or notification of plans for any such installation.

(E.) Application will be granted or denied at the time of submitting, based on facts on the paper application. However, an on-site inspection shall be necessary after footings have been installed. A permit to be posted and permission to proceed with structure will be issued or denied as necessary for compliance.

20.03.3 Expiration of Permit

(1.) Zoning permits issued in Shore Land/Wetland shall expire twelve (12) months from date issued if no substantial work has commenced.

(2.) Expiration of Mining Operations Permit

A Mining Operations Permit shall expire on the earlier of (1) the date when the Department issues a certificate stating that reclamation of all mining facilities has been completed, pursuant to *Wis. Stats.* 293.63, or (2) if construction has not begun, five (5) years after (a) the mining operator withdraws its application for a permit under *Wis. Stats.* 293.37, or (b) a state or federal permit necessary for the mine is denied and such denial becomes final, or (c) the mining operator gives notice that it will not proceed with its project.

20.03.4 Conditional-Use Permit

When the use being applied for is listed as a “conditional use”, the zoning administrator shall issue a conditional-use permit in lieu of the land-use permit. This permit shall be issued only after approval from the Zoning Committee, after a public hearing and after provisions of the conditional-use section of the ordinance have been complied with. The Zoning Committee may attach certain conditions that shall be met as a condition of approving the permit.

20.03.5 Planned Development Permit

This permit is issued for planned developments, complying with all requirements in Section 15. The PUD Permit shall include land use and conditional-use permits which are required for all structures and uses identified to be included as part of the planned development.

20.03.6 Mining Operations Permits

A Mining Operations Permit shall be required for metallic mining operations (as defined in *Wis. Stats.* 293.01(9.)), development in connection with metallic mining operations, the construction and reclamation of facilities associated with metallic mining operations regulated in this ordinance. Applications for Mining Operations Permits shall be made to the zoning administrator and may be granted by county board. A Mining Operations Permit may not be used until all necessary permits and approvals have been issued under this section, under Section 15 Planned Unit Development District if applicable, and by state and federal governments, including permits required by *Wis. Stats.* 293.37 and, if applicable, *Wis. Stats.* ch. 30 or 31, or Section 404 of the Clean Water Act, 33 U.C. Section 1344. If any metallic mining operation is not listed as a permitted use in Section 5.32.1 and is proposed to be located in a Shore Land/Wetland area, that area must be rezoned, in compliance with Section 5.33 before any construction can occur.

(1.) Application for a Mining Operations Permit

All applications for Mining Operations Permits shall be filed with the zoning administrator and shall contain:

(A.) Name and address of applicant and property owner.

(B.) Legal description of the property.

(C.) A copy of the mining plan as submitted to the Department pursuant to *Wis. Stats.* Section 293.37(2.)(a.).

(D.) A description of facilities to be constructed or operated within the Shore Land zoning jurisdiction, to the extent they are known at the time of the application.

- (E.) Of the proposed development requires tree and shrubbery cutting, a cutting plan describing the location of structures, gradient of the land, existing vegetation, proposed cutting and proposed replanting.
 - (F.) If proposed development required filling, grading, lagooning, dredging, ditching or excavating, a descriptive plan is required.
 - (G.) If the proposed development includes development regulated by Flood Plain Zoning Section 5.40, a plan is required.
- (2.) Standards Applicable to Mining Operations Permits in passing upon a Mining Operations Permit, the county board shall evaluate the effect of the proposed development upon:
- (A.) The maintenance of safe and healthful conditions.
 - (B.) The prevention and control of water pollution including sedimentation.
 - (C.) The matters described as the purposes of *Wis. Stats.* Section 281.31, including the protection of spawning grounds, fish and aquatic life, the control of structure sites, placement of structures and land uses, and the reservation of shore cover and natural beauty.
 - (D.) Compliance with the purposes and standards of the Flood Plain Zoning Section 5.40.
 - (E.) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
 - (F.) The location of the site with respect to existing or future access roads.
 - (G.) The need for a Shore Land location.
 - (H.) Its compatibility with uses on adjacent land.
 - (I.) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal system.
 - (J.) For tree and shrubbery cutting, considerations or sound forestry practices and soil conservation practices.
 - (K.) For filling, grading, lagooning, dredging, ditching or excavating, considerations of erosion, sedimentation, and impairment of fish and wildlife habitat.

(3.) Conditions Attached to Mining Operations Permits

Upon consideration of the factors listed in Section b. above, the county board may attach such conditions to the Mining Operations Permit as may further the purposes of this ordinance, including:

- (A.) For filling, grading, lagooning, dredging, ditching or excavating not within areas described in Section 5.21.1 and 2. of this ordinance, the applicable conditions described in Sections 5.20.1 1. through 4. of this ordinance.
- (B.) For filling, grading, lagooning, dredging, ditching, or excavating within areas described in Section 5.21, and 5.22 of this ordinance, the applicable conditions described in Sections 5.24, through 5.26 of this ordinance.

(4.) Notice, Public Hearing and Decision

Before passing upon an application for a Mining Operations Permit, the county board shall hold a public hearing. Public hearing may be held in conjunction with the public hearing required by *Wis. Stats.* 293.41 and Section 15.04 of this ordinance. Notice of a public hearing, specifying the time, place, and matters to come before the county board, shall be given as a Class 2 notice under *Wis. Stats.* 985. A notice shall be provided in writing to appropriate district office of the Department at least ten (10) days prior to the hearing. At the public hearing, any person may appear in person or be represented by an attorney or agent. The Mining Operations Permit shall be granted or denied by resolution of the county board. A copy of the resolution shall be submitted to the appropriate district office of the Department within ten (10) days after it is adopted.

(5.) Violations of this section of the Forest County Zoning Ordinance shall be treated the same as all other violations per Section 20.05 hereof.

20.03.6 Application Procedure

Applications for land-use or conditional-use permits shall be accompanied by scale maps or drawings prepared to the best of the applicant's ability, showing legibly and accurately the location, size and shape of the lot(s) involved, and of any proposed structures, including the existing and proposed use of each structure and lot, and the number of families to be accommodated, or the number of persons that would normally occupy the structure or structure.

20.03.7 Expiration

If within twelve (12) months of the date of issuance of a land-use or conditional-use permit the proposed construction or preparation of land for use has not commenced, said permit shall expire, except that the zoning administrator may grant an extension of such permit for a period not to exceed twelve (12) months upon the showing of valid cause and payment of another permit fee. No habitation shall be permitted in the basement of an incomplete dwelling in excess of twelve (12) months, except that such time may be extended by the

zoning administrator if it is determined that there will be no health or safety problems, nor any adverse effects on surrounding property owners.

20.03.8 Late Applications

Any application for permits or variances received after the use change or construction being applied for has already been initiated shall be subject to an additional late application fee. The zoning administrator shall inspect the site of subject application prior to issuing a permit. Payment of a fee for late application shall not exempt the applicant from prosecution for violation of this ordinance.

20.04 PERMITS REQUIRED

Permit and Variance Fee Schedule

The following fees shall be paid by the person requesting the permit, variance, or amendment to the zoning administrator or authorized deputy at the time of filing to defray the cost of administration, investigation, advertising, and process of the permits, variances, or amendments.

Land Use Fees

Accessory Structures or improvements<720 Sq Ft.	25.00
Accessory Structures or improvements>720 Sq. Ft.	50.00
Residences	100.00
Renewal Fees	25.00
Late Fees	300.00
(rev. 6/12/02)	

OTHER ZONING PERMITS

Recreational Vehicle Ordinance Permit	\$10.00
Shore Yard Permit	\$25.00
Conditional Use Application	\$ 300.
Rezoning Petition, text or map	\$ 300.
Zoning Board of Adjust. Petition	\$ 300.
Planned Unit Develop. Petition	\$ 300.
Plus Per Acre Fee	\$10.
Metallic Mining Oper. Permit	\$ 5,000.

LAND DIVISION FEES, PER LOT

Certified Survey Map	\$ 25.
Subdivision Plat	\$ 20.

ORDINANCES PURCHASE

Zoning Ordinance-combined	\$15. (rev 6/12/02)
Shore Lands and Flood Plain And Wetlands Ordinance	
Land Division Ordinance	\$ 5.
Private Sewage System Ord.	\$5.
Nuisance Ordinance	\$ 2.

The above fees may be adjusted by resolution of the County Board, and such action is exempt from procedures for amendments.

20.04.1 In the event the state should mandate that Forest County has to provide inspections for:

(1.) Footings.

(2.) Inside: electrical, plumbing, and structure inspections.

The fees will be raised accordingly through Zoning Committee approval.

20.05 VIOLATIONS

20.05.1 Penalty For Violations

Any person who violates this ordinance shall be subject to a fine plus costs of prosecution. Default of payment shall result in imprisonment in the Forest County jail for a period not to exceed six (6) months. The County may also seek injunctive relief and cause structure to be moved or removed. Each day the violation continues shall be considered a separate offense.

20.05.2 Citation Enforcement

To expedite the resolution of ordinance violations, the county board hereby adopts the Citation Enforcement Procedure authorized in Section 66.0113 (**Rev. 02/15/05**) *Wis.Stats.* for enforcement of this ordinance.

(1.) The adoption herein of the citation method of enforcement shall not preclude the county, or its officers authorized to issue citations hereunder, from proceeding under any other enforcement procedure that pertains to the subject matter addressed in the citation. Payment of the citation by a violator does not relieve the violator of the obligation to the ordinance, nor the obligation to remove what has been illegally installed. New citations may be issued for violations not corrected within one hundred twenty (120) days of a previous citation.

(2.) Amendments to this ordinance adopted after the date of adoption of the citation method shall, unless otherwise specified in the adopting resolution of the amendment, also be enforced by the citation method, and any separate deposit set within said amendments shall be incorporated hereunder.

(3.) The form of any citations shall conform to the criteria of Section 66.0113(1.) (b.). (Rev. 02/15/05)

(4.) The citations duly issued shall have the legal effect specified in Section 66.119 *Wis. Stats.* and shall confer subject-matter jurisdiction upon the circuit court for the county.

(5.) Any person issued a citation is hereby required to remit the amount provided therein in cash, certified check, money order, or credit or debit card: ACCEPTABLE TO THE COUNTY TREASURER, Forest County Courthouse, Attn: Clerk of Court, Courthouse, 200 East Madison Street, Crandon, Wisconsin 54520, by mail or in person.

Said clerk shall provide the person with a receipt for each such deposit received, with a copy to the zoning administrator. Upon order of the Zoning Committee, cash deposits, penalty assessment, and late payment forfeitures owing more than one hundred fifty (150) days may be added as a lien upon the property.

(6.) Required Cash Deposit and Penalty Assessment for Citation Issued:

Deposit—15% penalty*

Subject Matter	Amount	Assessment
Land-Use Permit	\$ 200.	\$ 30.
Failure to Plat	\$ 200.	\$ 30.
Shore Land		
Protection	\$ 200.	\$ 30.
Flood Plain Area	\$ 200.	\$ 30.

*pursuant to Section 165.87 *Wis. Stats.*

LATE PAYMENT FORFEITURE SCHEDULE

Subject Matter	Paid After Days	30	60	120
Land-Use Permit	(from date of Original Citation Issuance)	\$ 500	\$ 1,000	\$ 2,000
Failure to Plat		\$ 500	\$ 1,000	\$ 2,000
Shore Land Protection		\$ 500	\$ 1,000	\$ 2,000
Flood Plain Area		\$ 500	\$ 1,000	\$ 2,000
Sanitary Violation		\$ 500	\$ 1,000	\$ 2,000

(7.) Prior to issuing a citation under this section, the zoning administrator or any delegated deputy administrators under Section 20.02.1 hereof, shall attempt to gain compliance with the ordinance by issuing a Correction Letter. Upon failure to gain compliance, or a good faith start toward compliance, the administrator or delegate, shall issue the citation, delivered in person, by first-class mail, or by registered letter, as the administrator deems most effective.

(8.) Following issuance of a citation, the options and procedures open to the violator, including procedure on default, shall be as set forth in Section 66.119(3.) *Wis. Stats.*

Section 21: Duties of the Zoning Board of Adjustment Variances and Administrative Appeals

21.00 ESTABLISHMENT AND INTENT

There is hereby created a Board of Zoning Adjustment as authorized by Section 59.694 *Wis. Stats.* for the purpose of hearing appeals from any person aggrieved or from any officer, department, board, or commission of the County affected by a decision of the Zoning Administrator or of the County Zoning Committee, provided said appeal be taken within a reasonable time, as provided by the rules of said Board of Adjustment. Said Board may also decide special exceptions, other than conditional uses, if provided for elsewhere in this ordinance, and grant special condition variances from the terms of this ordinance.

(1.) Training

In view of the considerable responsibility and power given to this board under Section 59.694 *Wis. Stats.* and under this ordinance, upon the appointment of new members, the new member for training as well as the entire existing board as a refresher, shall attend training

seminars as provided or receive updated materials and instruction from the Zoning Administrator, with assistance by county corporation counsel, and shall include both review of *Wis. Stats.* 59.694, this ordinance, and any practical examples or case law deemed appropriate.

21.01 GENERAL OPERATING RULES FOR THE ZONING BOARD OF ADJUSTMENT
(Hereinafter referred to in Section 21 as the “Board”).

21.01.1 Appointment and Term

The Board shall consist of three (3) members, who shall be appointed for staggered three-(3) year terms, commencing on July 1, by the chairman of the County Board. Vacancies shall be filled in like manner for the unexpired term of any member whose term becomes vacant. Members shall all reside in the county and outside corporate cities and villages, and no two (2) member shall reside in the same town.

21.01.2 Operating Rules

(1.) The Board shall choose its own Chairman, Vice-Chairman, and Secretary.

(2.) The Board shall meet at the call of the Chair, or at such other times as the Board may determine.

(3.) The Board shall comply with all requirements of the Wisconsin Open Meeting Law in the conduct of the business before it. The nature of the Board’s proceedings are quasi-judicial. The Board may, therefore, deliberate in closed session, after a hearing on the matter, provided legal requirements are complied with.

(4.) The Board may conduct site inspections of premises and surrounding areas which are the subject of matters before the Board, provided that when the Board as a unit, or individual members, are engaged in such site inspections, they shall not allow interested parties to present arguments or advocacy materials. Such arguments and materials shall be received only at hearings before the Board.

(5.) The Board shall conduct a public hearing on all administrative appeals and variance matters before it, and shall cause a Class 2 notice under Chapter 985 of the *Wisconsin Statutes* to be published and shall give due notice of the hearing to all parties in interest. Any party may appear in person or by attorney at such hearing. The Chair may administer oaths to parties testifying and may compel attendance of witnesses. Due notice to parties in

interest shall mean that the office of Zoning Administration will mail, by ordinary postage, reasonable advance notice of all hearings and meetings on any pending matter to the applicant, to owners of record of properties which are located within three hundred (300) feet of the parcel involved in the application; to the clerk of the town where the property is located; to the clerk of any other town or any other village located within one and one-half (1½) miles of the property involved in the application. Failure to accomplish a provision of notice shall not invalidate or prejudice the proceedings, provided the Board concludes that reasonable efforts were made or that the parties who subsequently complain of not having been sent, or of not receiving notice, did in fact, know of the proceedings and had reasonable opportunity to attend or be represented, or to convey their views prior to the Board’s decision.

(6.) All testimony before the Board by persons other than Board members and written or documentary evidence or material pertaining to matters before the Board shall be received at the hearings conducted by the Board, provided, however, that the content of relevant ordinance or statutory materials shall be deemed to be before the Board in all cases and need not be entered into the record. All parties of interest shall be afforded reasonable opportunity to comment on all materials or information so received. Board members who are in possession of facts which may have a bearing on the matter before the Board shall enter same into the record of the hearing and opportunity shall be allowed for comment on such entries.

(7.) If, following the close of a hearing, the Board finds it necessary or desirable to receive additional information, evidence, or arguments which may have a bearing upon the Board’s decision, it shall reconvene a public hearing, with notice given in the same manner as for the initial hearing, for the purpose of so doing.

(8.) The Board shall deliberate on matters before it. The concurring vote of a majority of the Board shall be necessary to approve any appeal, variance, or special exception before the Board. The vote of each member on each matter decided by the Board shall be recorded in the minutes. If a member is absent, or if a member fails to vote, such fact shall similarly be recorded. The minutes of the Board shall show the Board’s decisions and the votes of members thereon. Each decision of the Board shall be accompanied by written reasons in support of the decision, which written statement shall be signed or acknowledged by the members and entered into the minutes.

(9.) All decisions by the Board shall be made in strict accord with the standards of the ordinance. The Board shall decide all matters before it within a reasonable time.

(10.) The board shall cause complete records to be kept of its examinations on matters before it, of public hearing, site inspections, decisions, and other official actions, which shall be immediately filed in the County Zoning Office and shall be a public record.

(11.) The Board may adopt procedural rules not in conflict with this ordinance or state law.

21.02 POWERS OF THE ZONING BOARD OF ADJUSTMENT: ADMINISTRATIVE APPEALS

21.02.1 Appealable Matters

(1.) Decisions by the Zoning Administrator which consist of interpretations of the terms of the *Forest County Zoning Ordinance* and which are made in the course of determining whether a permit or approval will be issued by said Administrator are appealable to the Board of Adjustment as administrative appeals.

(2.) Decisions by the Zoning Administrator to issue an enforcement demand or to commence other ordinance enforcement activities, where the Administrator has determined that violation of the ordinances exists, is appealable to the Board of Adjustment as an administrative appeal.

(3.) Decisions by the Zoning Committee which consist of interpretations of the terms of the *Forest County Zoning Ordinance* and which are made in the course of determining whether a permit or approval will be issued by said committee are appealable to the Board of Adjustment as administrative appeals.

(4.) Where the ordinance states that a decision or interpretation shall be made by the Zoning Administrator, with a right of appeal specified to the Zoning Committee, such appeal must be taken to the committee before an appeal shall be allowed to the Board of Adjustment.

21.02.2 Procedures For Initiating An Administrative Appeal

(1.) Eligible appellants: Administrative appeals may be initiated by any person aggrieved by the decision or interpretation being appealed or by an officer, department, board, or committee of the Forest County government.

(2.) Time For Appeals

An appeal shall be commenced within thirty (30) days after the making of the decision or interpretation being appealed.

(3.) Initiating An Appeal

An appeal shall be commenced by filing with the office of the Zoning Administrator, a notice of appeal specifying the decision being appealed, and the grounds for the requested relief, and payment of the fee specified in Section 20.04. Upon receipt of such a notice, the Zoning Administrator shall immediately notify the Board of Adjustment and the Zoning Committee, and shall transmit to the Board all papers and files which constitute the record of the decision being appealed.

(4.) Stays

An appeal of decision to issue a permit or approval, or to issue an enforcement demand, or to commence other ordinance enforcement proceedings, shall cause the permit or approval action to be suspended, or shall stay further enforcement prosecution unless the Zoning Administrator or District Attorney shall file with the Board of Adjustment a certificate supported by a statement of facts, alleging that suspension or stay will cause imminent peril to life or property. If such a certificate is filed, proceedings shall not be stayed except upon a restraining order issued by a court.

(5.) Decisions By The Board of Adjustment

Following a public hearing, and other investigation conducted pursuant to Section 21.01 the Board shall decide the matter based upon whether the decision, determination, or interpretation being appealed was in error. The Board may reverse or affirm, wholly or partly, or may modify the decision as ought to have been made, and to that end shall have all powers of the officer from whom the appeal is taken. All decisions by the Board on administrative appeals shall be based upon the terms of the ordinance and evidence as to legislative intent.

21.03 POWERS OF THE ZONING BOARD OF ADJUSTMENT: VARIANCES

21.03.1 Special Condition Variances

(1.) Special Condition Variances are waivers from specific terms of the zoning ordinance. In such a variance, terms of the ordinance are not in dispute. Applicant acknowledges the ordinance forbids activity or construction for which approval is sought.

(2.) In *Wis. Stats. 59.694(7.)*, the Board of Adjustment is empowered, upon appeal in specific cases, to grant a variance from terms of the ordinance that are not contrary to public interest, where there is a commitment to special conditions, literal enforcement of ordinance results in unnecessary hardship, and the spirit of the ordinance shall be observed.

21.03.2 Applications For Variances

A variance is a relaxation of a dimensional standard in land-use regulations (e.g., setbacks, lot area, height, etc.). Variances are decided by a three- (3) member Board of Adjustment appointed by the County Board Chair, and approval of the County Board of Supervisors. The Board of Adjustment is known as a quasi-judicial body because it functions almost like a court.

PROCESS

(1.) Complete an application form and submit a three hundred (\$300) dollar fee.

(2.) Provide detailed plans describing your lot and project (location, dimensions, and materials), outlined below (Three-Step Test).

(3.) Stake lot lines, proposed structure footprint and all features of your property related to your request so the Board may inspect the site.

The Zoning Office publishes two (2) notices of a request for a variance in the County's Official Newspaper, and location and time of the required public hearing. Burden will be on you, as the property owner, to provide verifiable **facts** upon which the Board may base its decision. At the hearing, any party may appear in person or be represented by agent, or attorney. If any of these requirements are not met, the Board must deny your request for a variance, and your fee will be forfeit.

THREE-STEP TEST

To qualify for a variance, you must meet all three (3) requirements.

(1.) Strict application of an ordinance requirement (dimensional standard) will result in **unnecessary hardship**. Wisconsin case law describes hardship as being "present where, in the absence of a variance, no reasonable use can be made of the property". If a parcel as a whole (but not necessarily each piece of the parcel) yields some reasonable use for its owner, **the test is not met** and a variance cannot be granted. Applicant may not claim hardship because of conditions which are self-imposed (i.e., splitting a lot to create two (2) substandard lots, then claiming hardship). Courts have also affirmed loss of profit or financial hardship do not, by themselves, justify a variance. Decks and minor accessory structures are not vital to reasonable use of property, and are not eligible for variances.

(2.) Hardship is due to **unique physical limitations of the property**.

i.e., compliance with the ordinance is prevented by limitations of the property (steep slopes, wetlands, etc.) which are not generally shared by other properties. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations and prior variances do not provide a basis for granting a variance. You will be asked to demonstrate that alternative project designs or locations on the parcel which comply with ordinance requirements are not feasible. Minor property limitations which prevent compliance and are common to a number of properties, may be addressed by amendment of the ordinance.

(3.) A variance may not be granted which results in **harm to public interests**. In applying this test, the Board must consider the public interest factors listed as objectives in the purpose statement of the ordinance. For the Forest County Shore Land Zoning Ordinance Regulations these include, in part: control of structure sites, placement of structures, land uses, and preservation of shore cover and natural beauty.

21.03.3 Board of Review and Decision

Following a public hearing and other investigations conducted pursuant to Section 21.01, the Board shall decide the matter based upon the following standards:

(1.) No variance may be granted which would have the effect of allowing, in any district, use not permitted in that district; nor of granting or denying an application for conditional use processed under Section 16 of this ordinance.

(2.) No variance may be granted which would have the effect of allowing a use of land or property that would violate state laws or administrative rules.

(3.) Subject to the above limitations, special condition variances may be granted in accordance with the Standards and Findings of 21.03.5 below.

21.03.4 Conditions

Conditions shall be attached, in writing, to all approved variances where such conditions will achieve compliance with the standards of this ordinance.

21.03.5 Standards And Findings

The Board of Adjustment, in evaluating petitions for granting of special condition variances, shall apply the following standards and reach the following findings:

(1.) Physical Conditions vs. Convenience

That there are present actual physical conditions applying to the lot, parcel, structure, use or intended use, on that premises, which are creating the practical difficulty or unnecessary hardship in the application of this ordinance, as distinguished from a mere inconvenience to the owner, if the strict letter of the regulations are required.

(2.) Unique v. General Conditions

That the conditions of (1.) preceding are unique, exceptional, extraordinary, or unusual circumstances applying only, or primarily, to the property under appeal, and are not of such general or recurrent nature elsewhere in the same zoning district as to suggest or establish the basis for ordinance changes or amendments; or of having that effect if relied upon as the basis for granting an appeal.

(3.) Absence of Precedent

That in granting an appeal there will not be created a general precedent which encourages the filing of similar appeals to take advantage of the precedent without the existence of properly qualifying conditions.

(4.) Absence of Detriment

That in granting an appeal there will not be created initial detriment to the subject, adjacent, or neighborhood properties, nor to the general public interest.

(5.) Conditions Not Created By Appellant

The alleged conditions of (1.) preceding, creating the difficulty or hardship, were not caused by the appellant nor any person still having an interest in the property.

21.04 SPECIAL EXCEPTION PERMITS

21.04.1 Application For A Special Exception Permit

Any use listed as a Special Exception in this ordinance shall be permitted only after an application has been submitted to the Zoning Administrator and a Special Exception Permit has been granted by the Board of Adjustment.

21.04.2 Standards Applicable To All Special Exceptions

In passing upon a Special Exception Permit, the Board of Adjustment shall evaluate the effect of the proposed use upon:

- (1.) The maintenance of safe and healthful conditions.
- (2.) The prevention and control of water pollution including sedimentation.
- (3.) Compliance with local flood plain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
- (4.) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
- (5.) Location of site with respect to existing or future access roads.
- (6.) The need of the proposed use for a Shore Land location.
- (7.) Its compatibility with uses on adjacent land.
- (8.) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
- (9.) Location factors under which:
 - (A.) Domestic uses shall be generally preferred.
 - (B.) Uses not inherently a source of pollution within an area shall be preferred to uses that are or may be a pollution source.
 - (C.) Use locations within an area tending to minimize the possibility of pollution shall be preferred to use locations tending to increase that possibility.

21.04.3 Conditions Attached To Special Exceptions

Upon consideration of the factors listed above, the Board of Adjustment shall attach such conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions may include specification for, without limitation because of specific enumeration: type of shore cover, specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restriction; location of piers, docks, parking, signs, and type of construction. To secure information upon which to base its determination, the Board of Adjustment may require the applicant to furnish, in addition to the information required for a zoning permit, the following information:

- (1.) A plan of the area showing surface contours, soil types, ordinary high-water marks, groundwater condition, subsurface geology, and vegetative cover.
- (2.) Location of structures, parking areas, traffic access, driveways, walkways, piers, open space, and landscaping.
- (3.) Plans of structures, sewage disposal facilities, water supply systems, and arrangement of operations.
- (4.) Specifications for areas of proposed filling, grading, lagooning, or dredging.
- (5.) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

21.04.4 Notice, Public Hearing, And Decision

Before passing upon an application for a Special Exception Permit under this section, the Board of Adjustment shall hold a public hearing. Notice of such public hearing, specifying the time, place, and matters to come before the Board, shall be given as a Class 2 notice under ch. 985, *Wis. Stats.* Such notice shall be provided to the appropriate district office of the Department at least ten (10) days prior to the hearing. The Board shall state in writing the grounds for granting or refusing a special exception permit.

21.04.5 Recording

When a Special Exception Permit is approved, an appropriate record shall be made of the land use, and structures permitted and described. A copy of any decision on a Special Exception Permit shall be provided to the appropriate district office of the Department within ten (10) days after it is granted or denied.

21.04.6 Revocation

Where the conditions of a Special Exception Permit are violated, the Special Exception Permit shall be revoked by the Board of Adjustment, following the same steps of Notice, Hearing, and Decision as in granting the permit.

Section 22: Amendment Procedure

22.01 AUTHORITY

The regulations imposed and the zoning districts created under authority of this ordinance may be amended from time to time by ordinance in accordance with the *Wisconsin Statutes* Section 59.69 (5.). An amendment shall be granted or denied by the County Board only after a public hearing before the county Zoning Committee, and a report of its finds and recommendations has been submitted to the County Board.

22.02 INITIATION OF AMENDMENT

22.02.1 Amendments may be proposed by the County Board, by the County Zoning Committee or by any property owner in the area to be affected by the amendment, or by the Town Board in any town in which the county zoning ordinance is in effect.

22.02.2 If filing for an amendment to the official zoning map, the petitioner filing the amendment shall submit with the application, a map showing the proposed change, a list containing the names of all property owners who own property within three hundred (300) feet of the property or properties proposed to be rezoned. Such list shall be obtained from the approved county tax rolls.

22.03 PROCESSING

An application for amendment shall be filed with the County Clerk. The application shall be forwarded immediately by the County Clerk to the County Zoning Committee. Immediate notice of the petition shall be sent to the County Supervisors of any affected district. A report of all petitions made under this paragraph shall be made to the County Board at its next succeeding meeting. At such meeting of the County Board the petition shall be referred to the Zoning Committee for its consideration, report, and recommendations. The Zoning Committee shall call a public hearing on the amendment prior to making its recommendation.

22.04 NOTICE OF PUBLIC HEARING

The County Zoning Committee shall send written notice of the proposed public hearing to all owners of real property that lies within three hundred (300) feet of the property on which the proposed zoning action is to take place. This notice shall be sent not less than ten (10) days prior to the date of the public hearing. The notice shall contain the time and place of the public hearing, the legal description and street or road address of the property involved, the legal description and street or road address of the property involved, and a statement of the proposed zoning action requested. Failure to receive such notice shall not invalidate the hearing, or the results thereof. A copy of the public hearing notice shall be mailed to the town clerk of each town affected by the proposed amendment at least ten (10) days prior to the date of such hearing.

22.05 TOWN ACTION

If a town affected by the proposed amendment disapproves of the proposed amendment, the town board of such town may file a certified copy of the resolution adopted by such board disapproving of the petition with the Zoning Committee prior to, at, or within ten (10) days, after the public hearing. If the town board of the town affected in the case of an ordinance relating to the location of boundaries of districts files such a resolution, or the town boards of a majority of the towns affected in the case of all other amendatory ordinances file such resolutions, the Zoning Committee may not recommend approval of the petition without change, but may only recommend approval with change or recommend disapproval.

22.06 DECISIONS

The County Board, after receiving the report of the County Zoning Committee, and without further public hearing, may grant or deny any proposed amendment in accordance with applicable *Statutes of the State of Wisconsin*, or it may refer it back to the Zoning Committee for further consideration.

22.07 NOTICE TO TOWNS

Town Zoning Committees or Town Chairmen, if no such committee exists, shall be advised within ten (10) days of public hearing on any zone change with their township.

22.08 STANDARDS FOR ZONING MAP AMENDMENTS (REZONING)

22.08.1 General

A rezoning shall be in conformance with, or at a minimum, not in conflict with any adopted county plans or policies relating to land use. A rezoning may be enacted only if:

(1.) It can be shown that the current zoning places an unreasonable burden on the owner of the property to be affected.

(A.) The current zoning can also be shown to have been a mistake, (i.e., based on incorrect knowledge or assumptions about the land or existing uses in the area).

(B.) The current zoning is no longer necessary to protect any public interest.

(2.) There has been a significant change in circumstances since the property was zoned under the current district, and the desired rezoning action can be shown to be directly related to and appropriate for such new circumstances. New circumstances may consist of such items as new highways, or a major highway relocation, or a new sewage treatment systems where none existed before, or existing districts lacking space for further development.

The following conditions are not sufficient reasons to be considered a change in conditions:

- (A.) A change in the intentions or wishes of the owner for use of the property.
- (B.) Sale or pending sale of the property.
- (C.) Removal of deed, lien, or other encumbrances on the property.
- (D.) Expiration of one or more forest crop law contracts, woodland tax contracts, farmland preservation contract, or any other agreement or contract.

22.08.2 Rezoning to Commercial (CM), or Industrial (IN) District status shall be made only in the case where adjacent land is being added to an existing district to allow for orderly expansion of existing commercial or industrial areas. New commercial or industrial areas, separate from existing areas, shall be set up as Planned Development Districts (see Section 15 of procedures).

Section 23:Definitions

Unless specifically defined below, words and phrases used in this section shall have the same meaning as they have at common law and to give this section its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word “may” is permissive, “shall” is mandatory and not discretionary.

A-Zones: Those areas shown on the “Official Flood Plan Zoning Map” which would be inundated by the “regional flood” as defined below. These areas may be numbered or unnumbered A-Zones. The A-Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Accessory Structure or Use: A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use.

Access Site or Lot: A parcel of land that is contiguous to a body of water (lake or river) which provides a means for waterfront access of back lot development.

Angle of Repose: The maximum slope or angle at which a material, such as soil or loose rock, remains stable (stable angle).

Auto-Oriented Facilities For Commercial Use: Any facility such as a parking lot, garage, driveway, or drive-up window that provides for customer vehicles on the lot.

Back Lot: A parcel of any size, whether or not improved or subdivided or platted, that does not abut the shoreline or ordinary high-water mark of a lake or river.

Back Lot Development: (Also known as lot pyramiding, keyhole development, or development funneling.) The practice whereby a lot, lots, out lot, common open space, or commonly-owned lot is used for waterfront access by a number of parcels, or lots, located away from or not contiguous to the water body.

Bank: The land surface abutting the bed of any navigable waterway which, either prior to any project or alteration of land contours or as the result of the proposed project or alteration, slopes or drains without complete interruption into the waterway (NR 340.02(2)).

Basal Area: The cross-sectional area four and one-half (4½) feet above ground expressed in square feet per acre of all trees with a diameter of five (5) inches or larger.

Basement: Any enclosed area of a structured having its floor subgrade, (i.e., below ground level) on all sides.

Bed and Breakfast: Lodging for compensation by guests who are tourists or occupants renting by the night, within a place of residence. Typically offering meals prepared by the resident as part of the room rental, including therein a private parking space, and regulated by the state as a Bed and Breakfast lodging facility. (See also Time-Share Condominium.)

Best Management Practices (BMPs): Practical and economically achievable practices for preventing or reducing non-point source pollution.

Bluff Face: That area riverward from the bluff line where slope toward the river equals twelve (12%) percent or more, with the horizontal interval of measurement not exceeding fifty (50) feet.

Bluff Line: A line along the top of a slope connecting the points at which the slope, proceeding away from a river or adjoining watershed channel and which is not visually inconspicuous, becomes less than twelve (12%) percent.

Boathouse: Any structure located on the same lot as the principal structure and used for protecting or storing of boats used for noncommercial purposes in conjunction with a residence, and not for human habitation.

Boat Shelter: A structure in navigable waters designed and constructed for the purpose of providing cover for a berth place for watercraft, which may have a roof, but may not have walls or sides. Such a structure may include a boat hoist, *Wis. Stats. 30.01 (1. (C).)*

Broad-Based Dip: A surface drainage structure specifically designed to drain water from an access road while vehicles maintain normal travel speeds.

Brush Barrier: A sediment control structure created of slash materials piled at the toe slope of a road or at the outlets of culverts, turnouts, dips, and water bars.

Buffer Area: A designated area around a stream, lake, or water body of sufficient width to minimize entrance of chemicals (fertilizers, pesticides, and fire retardants, etc.) into a water body. The first thirty-five (35) feet of area from the water's edge landward where activity is regulated. (See Shore Land Zoning Regulations Section 5.0).

Buffer Strip: A parcel of land abutting on either side of a lot. It may be used for any purpose permitted by the zoning ordinance.

Building: See Structure.

Building Line: A point of which all setback requirements can be met.

Bulkhead Line: A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 30.11, *Stats. of Wis.*, and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the flood way provisions of this ordinance.

Campground: Any public or private premises rented for day or overnight lodging by the day or week, not exceeding six (6) months per year; where the guest provides their own portable shelter, such as tents, motor homes, pull-behind camper trailer, or recreational vehicle, and where the facility often provides a central structure for use by guests to obtain or use potable water, toilet, shower, and possibly laundry facilities, and to purchase convenience supplies such as soap, food snacks, and beverages in containers. Any parcel or tract of land owned by a person, or the state or local government, that is designed, maintained, intended, or used for the purpose of providing sites for non-permanent overnight use by four (4) or more camping units, or by one to three (1-3) camping units if the parcel or tract of land is represented as a campground.

Camper Trailer: A structure designed for human habitation and towed upon the highway by a motor vehicle.

CEAV: Current equalized assessed value.

Channel: A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Check Dam: A small dam constructed in a gully to decrease the flow velocity, minimize channel scour, and promote deposition of sediment.

Clear-Cutting: A silvicultural system in which all trees are harvested within a specified area in one operation.

Club Or Lodge: A structure used by an association of persons who are bona fide members, the use of such premises being restricted to members and their guests.

Conditional Use: A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the zoning committee or where appropriate, county board.

Confined Livestock Feeding:

An operation on a plot of land on which livestock are kept year-round without grazing.

Contour: An imaginary line on the surface of the earth connecting points of the same elevation. A line drawn on a map connecting the points of the same elevation. The steeper the slope, the closer the contour lines will be.

County Zoning Agency: A committee or commission created or designated by the county board under Section 59.69 (2.)(a.), *Wis. Stats.*, to act in all matters pertaining to county planning and zoning.

Crown: A convex road surface of earth that allows runoff to drain to either side of the road prism.

Crawl Ways Or Crawl Space: An enclosed area below the first usable floor of a structure generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.

Culvert: A metal, wooden, plastic, or concrete conduit through which surface water can flow under, or across, roads.

Cumulative Effect: The impact on the environment that results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such action.

Cut-And-Fill: Earthmoving process that entails excavating part of an area, and using the excavated material for adjacent embankments or fill areas.

DBH: Diameter at breast height: the average diameter (outside the bark) of a tree four and one-half (4½) feet above mean ground level.

Development: Any manmade change to improved or unimproved real estate, including, but not limited to, the construction of structures or accessory structures; the construction of additions or substantial alterations to structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations, and the deposition or extraction of earthen materials.

Disabled Person: Any person with a physical or mental impairment that substantially limits one (1) or more of his/her major life activities.

Disking (harrowing): A mechanical method of scarifying the soil to reduce competing vegetation and to prepare a site to be seeded or planted.

Drainage Structure: Any device or land form constructed to intercept and/or aid surface water drainage.

Drainage System: One or more artificial ditches, tile drains, or similar devices that collect surface runoff or groundwater and convey it to a point of discharge.

Drainage Way Or Non-Navigable Stream: An area where the presence and action of water is evident by erosion or other easily recognized characteristics during the period when the ground is not covered with snow.

Drive-Up Window: Any facility that allows a customer, client, or patron to transact business, receive delivery of goods or services, make payments, or do any form of business without leaving his/her vehicle.

Driving Access Road: A privately-owned roadway or driveway for use by registered motor vehicles to access a water body.

Dry Land Access: A vehicular access route that is above the regional flood elevation and which connects land located in the flood plain to land outside the flood plain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Dwelling Unit: A group of rooms constituting all, or part, of a dwelling, which are arranged, designed, used or intended for use as living quarters for one (1) family and not more than an aggregate of two (2) families.

Duff: The accumulation of needles, leaves, and decaying matter on the forest floor.

Easement Road: The right of the owner in one parcel of land, by reason of such ownership, to use the land of another for ingress and egress from his premises to a public street or road. (Rev. 02/15/05)

Encroachment: Any fill, structure, use or development in the flood way, or placed in an area that would be deemed a violation of this ordinance.

Erodible Soils: Soils that are likely to have high soil loss when exposed to water runoff. Soils having a Natural Resources and Conservation Service (NRCS) erosion hazard rating of "moderate" or "severe" should be considered erodible. Erosion hazard ratings for different soil types are listed in the "Woodland Suitability" tables in NRCS soil survey manuals. Generally, forest soils occurring on fifteen to thirty-five (15-35%) percent slopes have a moderate rating and soils occurring on greater than thirty-five (35%) percent slopes have a severe rating. Contact your local NRCS office for more information.

Erosion: The process by which the surface of the earth is worn away by the action of wind or water in the form of raindrops, surface runoff, and waves.

Existing Pattern Of Development: Existing development of principal structures that are located at a similar distance from the ordinary high-water mark. In no instance shall less than five (5) principal structures be considered an existing pattern of development.

Existing Structure: A principal or non-principal structure in use at the time this ordinance is adopted.

Existing Manufactured/Mobile Home Park Or Subdivision:

A parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale on which the construction of facilities for servicing the lots, including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and construction of streets, is completed before the effective date of this ordinance.

Expansion To Existing Manufactured/Mobile Home Park: The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be placed. This includes installation of utilities, either final site grading, pouring pads, or construction of streets.

Family: One (1) or more persons related by blood, marriage, or adoption; or a group of not more than five (5) persons not so related, maintaining a common household in a dwelling unit.

Federal Emergency Management Agency (FEMA): The federal agency that administers the National Flood Insurance Program.

Felling: The process of cutting down standing trees.

Fill Slope: The surface formed where earth is deposited to build a road or trail.

Fire Break: Naturally occurring or human-made barrier to stop the spread of fire.

Fire Line: A barrier used to stop the spread of fire constructed by removing fuel or rendering fuel inflammable by use of fire retardants.

Flood Or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas caused by:

(1.) The overflow or rise of inland waters.

(2.) The rapid accumulation or runoff of surface waters from any source.

(3.) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior.

(4.) The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood Frequency: The probability of a flood occurrence which is generally determined from statistical analyses. The frequency of a particular flood event is unusually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

Flood Fringe: The portion of the flood plain outside of the flood way which is covered by flood waters during the regional flood, and generally associated with standing water rather than flowing water.

Flood Hazard Boundary Map: A map prepared by FEMA designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain flood way lines or regional flood elevations. Said map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program.

Flood Insurance Study: A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones, and regional flood evaluations, and may provide flood way lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood insurance study maps form the basis for both the regulatory, and insurance aspects of the National Flood Insurance Program.

Flood Plain: The land that has been, or may be, hereafter covered by flood water during the regional flood. The flood plain includes the flood way, and the flood fringe as those terms are defined in ch. NR 116, *Wisconsin Administrative Code*.

Flood Plain Island: A natural geologic land formation within the flood plain that is surrounded, but not covered, by flood water during the regional flood.

Flood Plain Management: The full range of public policy and action for insuring wise use of flood plains. It includes everything from the collection and dissemination of flood data to the acquisition of flood plain lands, and the enactment and administration of codes, ordinances, and statutes for land use in the flood plain.

Flood Profile: A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

Flood Proofing: Any combination of structural provisions, changes, or adjustments, to properties and structures, water and sanitary facilities, and contents of structures, subject to flooding for the purpose of reducing or eliminating flood damage.

Flood Protection Elevation: An elevation two (2) feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see Freeboard.)

Flood Storage: Those flood plain areas where storage of flood waters has been taken into account during analysis in reducing the regional flood discharge.

Flood Way: The channel of a river or stream and those portions of the flood plain adjoining the channel, that are required to carry and discharge the flood water or flood flows of any river or stream.

Forest Road: A temporary or permanent road connecting the most remote parts of the forest land to existing public roads. They provide access to forest lands for timber management, fish and wildlife habitat improvement, fire control, and a variety of recreational activities.

Forestry Best Management Practices (BMPs): Practices set forth in the manual titled *Wisconsin's Forestry Best Management Practices for Water Quality* (March 1995). BMPs are considered minimum standards in forest management in Forest County.

Forestry: The production and management of trees as a crop.

Freeboard: A flood protection elevation requirement designed as a safety factor that is usually expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than those calculated. These factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and flood ways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggregation of the river or streambed.

Frontage Width: (Water Frontage) The amount of linear water frontage of the lot measured at the ordinary high-water mark. The frontage width shall be measured perpendicular to the mean bearing of the side lot lines. (Road Frontage) The amount of linear road frontage of the lot measured at the roadway or access point. The frontage width shall be measured perpendicular to the mean bearing of the side lot lines.

Geotextile: A product used as a soil reinforcement agent and as a filter medium. It is made of synthetic fibers manufactured in a woven or loose non-woven manner to form a blanket-like product.

Grade (gradient): The slope of a road, trail, or lot expressed as a percentage of change in elevation per unit of distance traveled.

Gross Floor Area: For the purpose of determining requirements for off-street parking and off-street loading, the floor area shall mean the sum of the gross horizontal areas of the several floors of the structure, or portion thereof, devoted to such use; including accessory storage areas located within selling or working space, such as counters, racks, or closets, and any basement floor area devoted to retailing activities of the production or processing of goods, or to business or professional efforts.

Group Camp: An area, including structures, used for the accommodation of members of various organizations or groups for institutional, religious, recreational, or business purposes.

Group Home: A structure used by unrelated individuals and licensed by the State of Wisconsin Department of Commerce, or any public social service agency serving Forest County, as a residence for foster children, developmentally disabled individuals, or other persons which are mentally, physically, or socially handicapped.

Habitable Structure: Any structure, or portion thereof, used or is possible to be used for human habitation.

Hearing Notice: Publication or posting meeting the requirements of Chapter 985, *Wis. Stats.* Class 1 notice is the minimum required for appeals: Published once (1) at least one (1) week (7 days) before the hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments: published twice (2), once each week consecutively, the last at least a week (7 days) before the hearing.

Heavy Equipment: Any vehicle, trailer, or mobile piece of machinery with a gross weight of eight (8) tones or more, or licensed for a gross weight of eight (8) tons or more.

Height (structure): Structure height is the vertical distance measured from grade to the highest point of the roof; adjacent to the street wall for flat roofs; to the deck line of mansard roofs; and, to the mean height between eaves and ridges for gable, hip, gambrel, or pent roof.

High Flood Damage Potential: Damage that could result from flooding that includes any danger to life or health, or any significant economic loss to a structure or structures, and its contents.

Historic Structure: (Federal rule October 1990) Any structure that is:

(1.) Listed individually in the National Register of Historic Places, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(2.) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district, or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(3.) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior.

(4.) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

Home Occupation: A gainful occupation conducted indoors by a member of the family, in his/her place of residence where the space used does not exceed twenty-five (25%) percent of the gross floor area, and is incidental to residential use and no article is sold or offered for sale except such as is produced by such home occupation.

Hotel: A structure containing lodging rooms, a common entrance lobby, halls where each lodging room does not have a doorway opening directly to the outdoors, except for emergencies and where more than fifty (50%) percent of the lodging rooms are for rent to transient guests, with or without meals, for a continuous period of less than a thirty (30) day period. (See also Resort, Motel, Bed and Breakfast, Time-Share Condominium.)

Hunting Or Fishing Shelter: A structure intended solely for fishing, hunting, or trapping, and only for temporary occupancy.

Impervious Surface: The footprint of structures or land areas where precipitation is essentially unable to infiltrate into the soil. Such surfaces include, but are not limited to: roadways and pathways that are paved, graveled, or compacted, roofs, patios, decks, and similar areas. (Excluding paving blocks and stones set in sand for pathways.)

Increase In Regional Flood Height: A calculated upward rise in the regional flood elevation, equal to, or greater than, one-hundredth (0.01) foot, resulting by a comparison of existing conditions and proposed conditions which is directly attributable to development in the flood plain, but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Intermittent Stream: A stream that flows only after rainfall or snowmelt, and therefore, is dry most of the year.

Island Access Lot: Any lot abutting a navigable water body that provides a deeded access for one (1) or more island lots.

Lake: A still-water body which:

(1.) **Is navigable.**

(2.) Has an ordinary high-water mark.

(3.) Has a bed that indicates “reasonably permanent” surface water.

Land Disturbance Activities: Construction, grading, filling, excavating, or any other activities that result in the temporary or permanent removal of vegetative cover, increased potential for soil erosion, increased storm water runoff volumes or velocities, or increased total area of impervious surfaces.

Land Use: Any nonstructural use made of unimproved or improved real estate. (Also see Development.)

Line of Navigation: Three (3) foot depth contour or a greater depth contour if required for boats appropriate for use at a particular site on the waterway, based on the normal summertime navigation season, low levels on the waterway, or minimum levels for that season where established by DNR order.

Local Or Neighborhood Commercial Use: Commercial retail or service establishments that serve primarily a neighborhood, or area less than a township in size. Such uses include: eating and drinking places, groceries, gas stations, and general stores. The floor area of the principal structure shall not exceed two thousand five hundred 2,500 square feet.

Lot: A parcel, piece, or portion of land defined by metes and bounds, certified survey, recorded land subdivision plat or other means, and separated from other lots, parcels, or similar units by such description.

Lot Area: The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares and containing sufficient buildable land to meet requirements for access, structures with required setbacks, and other yards, and sanitary systems.

Lot Coverage: The maximum amount of land area that may be covered with structures, and with paving for drives or parking.

Lot Frontage: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Lot Lines: A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.

Meander Line: A survey line measuring straight, or at angles, to depict frontage on shorelines or lots of a meandering nature, where land is uneven.

Metallic Mineral Mining: All or part of the process involved in the mining of metallic minerals as the meaning set out in *Wis. Stats.* 144.81 (5.).

Metallic Mineral Prospecting: Engaging in the examination of an area for the purpose of determining the quality and quantity of metallic minerals, other than for exploration but including the obtaining of an ore sample, by such physical means as excavating, trenching, construction of shafts, ramps, and tunnels, and other means, other than for exploration, which the DNR, by rule, identifies, and the production of prospecting refuse and other associated activities. "Prospecting" shall not include such activities when the activities are, by themselves, intended for, and capable of, commercial exploitation of the underlying ore body. However, the fact that prospecting activities and construction may have use ultimately in mining, if approved, shall not mean that prospecting activities and construction constitute mining provided such activities and construction are reasonably related to prospecting requirements.

Mineral Exploration: The onsite geologic examination from the surface of an area by core, rotary, percussion, or other drilling, where the diameter of the hole does not exceed eighteen (18) inches, for the purpose of searching for metallic minerals or establishing the nature of a known metallic mineral deposit, and includes associated activities such as clearing and preparing sites or constructing roads for drilling.

Minimum Lot Width: The minimum lot width shall be measured at the ordinary high-water mark (meander line) on waterfront properties, road frontage, and structure setback line.

Mining Operations Permit: A permit authorizing development associated with metallic mining operations and the commencement, conduct, and reclamation of metallic mining operations in compliance with the permit required by *Wis. Stats.* Section 144.85 and other conditions as the county board may require pursuant to this ordinance.

Minor Repairs: Minor repairs include: replacement of siding, roofing, windows and doors, painting, and other general maintenance activities. Structural and foundation activities including: support beams, footings, concrete floors, posts, and pilings are not considered minor repairs. Vertical and horizontal expansions are not considered minor repairs.

Minor Structures: Any small movable accessory erection or construction such as: birdhouses, pet house, arbors under six (6) feet in height with no more than forty (40) square feet of structure area, walkways, interlocking paving stones set in sand no larger than three (3) feet in width.

Mobile Home (single wide): A factory built and inspected dwelling unit, complete with all exterior finishes and extensive interior finishes, and meant to be transported over public highways to a permanent foundation and utility hookup.

(1.) Units described in this ordinance as HUD-Certified whether for seasonal, or year-round occupancy, shall be no less than fourteen (14) feet of width and seven hundred twenty (720) square feet of floor area, and shall have been constructed and inspected on or after June 15, 1976, under 42USC 5401-5425 federal statutes. Non-certified units refer to those constructed before said 1976 date, however, they shall not be used in place of Recreational Vehicles.

Mobile Home (double wide): A factory built and inspected dwelling component, where individual units are not complete dwelling units, being components meant to be assembled to each other to make a complete dwelling on one floor level of at least twenty-four (24) feet in width. (Also see Modular Manufactured Home.)

Modular Manufactured Home: Factory built and inspected housing components, typically in three (3) or more sections, not containing extensive interior finishing, meant to be transported and then site assembled, often into more than one (1) floor level, and requiring some on-site local inspection, and when completed are indistinguishable, for practical purposes, from site-built housing. For purposes of this ordinance, such modular housing and site-built housing are regulated as being the same, being distinct from mobile homes, double-wide mobile homes, and recreational vehicles.

Mobile Home Park: Any lot on which more than one (1) mobile home is located.

Motel: A structure, or group of structures or cabins, containing rooms which are offered for compensation for the temporary accommodation of transients distinguishable from a hotel by each room often having doors directly to the outside, and featuring at least one (1) guest automobile parking space per room in the cost of the room rental, and where there is no permanent occupancy of any unit. (See also Resort, Bed and Breakfast, Time-Share Condominium.)

Motor home: A motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

Mulch: A natural or artificial layer of plant residue or other materials covering the land surface that conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

Multi-Family Unit Or Dwelling: A group of more than two (2) physically attached dwelling units, located on the same lot.

Municipality Or Municipal: County, City, or Village governmental units enacting, administering, and enforcing this zoning ordinance.

NGVD Or National Geodetic Vertical Datum: Elevations referenced to mean sea level datum, 1929 adjustment.

Navigable Waters: Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under Section 281.31 (2)(m.), *Wis. Stats.*, notwithstanding any other provision of law or administrative rule promulgated thereunder, Shore Land

ordinances required under Section 59.692, *Wis. Stats.*, and ch. NR 115, *Wisconsin Administrative Code*, do not apply to lands adjacent to farm drainage ditches if:

(1.) Such lands are not adjacent to a natural navigable stream or river.

(2.) Those parts of such drainage ditches adjacent to lands that were not navigable streams before ditching.

(3.) Such lands are maintained in nonstructural agricultural use.

Nonconforming Lot: Any lot lawfully used, occupied at the time of the effective date of this ordinance or amendments thereto, which does not conform to the regulations of this ordinance or amendments thereto.

Nonconforming Structure: An existing lawful structure that is not in conformity with the dimensional or structural requirements of this ordinance. (For flood plains: An existing lawful structure that is not in conformity with the dimensional or structural requirements of this ordinance for the area of the flood plain that it occupies.) (For example: an existing residential structure in the flood fringe district is a conforming use. However, if the first floor is lower than the flood protection elevation, the structure is nonconforming.)

Nonconforming Use: An existing lawful use or accessory use of a structure or development that is not in conformity with the provisions of this ordinance. This includes the area of the flood plain that it occupies. (Such as a residence in the flood way.)

Nonmetallic Mineral: A product, commodity, or material consisting principally of naturally occurring, organic, or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to: stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc, and topsoil.

Nonmetallic Mineral Deposit: A body of nonmetallic minerals with sufficient areal extent, depth, and quality to establish a reasonable expectation for development.

Nonmetallic Mining Or "Mining" Means All Of The Following:

(1.) Operations or activities at a nonmetallic mining site for extracting from the earth of mineral aggregates, or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes: use of mining equipment or techniques to remove materials from in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading, and dredging. Nonmetallic mining does not include: removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees, or plant nursery stock.

(2.) Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to: stockpiling of materials, blending mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping, and dewatering.

Nonmetallic Mining Reclamation or Reclamation: The rehabilitation of a nonmetallic mining site to achieve a land use specified in an approved nonmetallic mining reclamation plan including: removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage, and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of

surface water and groundwater, prevention of environmental pollution, and if practicable, the restoration of plant, fish and wildlife habitat.

Nonmetallic Mining Refuse: Waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. Non-metallic mining refuse does not include marketable by-products resulting directly from or displaced by the nonmetallic mining that are scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction.

Obstruction To Flow: Any development which physically blocks the conveyance of flood waters such that this development by itself, or in conjunction with, any future similar development will cause an increase in regional flood height.

Official Flood Plain Zoning Map: The map, adopted, and made, part of this ordinance, as described in Section 5.41.2 (C.), which has been approved by the Department of Natural Resources and FEMA.

Open Space Use: Those uses having a relatively low flood damage potential and not involving structures.

Ordinary High-Water Mark: The point on the bank, or shore, up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics [Diana Shooting Club v. Husting, 156 Wis. 261 (1914)].

Organic Debris: Particles of vegetation or other biological material that can degrade water quality by decreasing dissolved oxygen and by releasing organic solutes during leaching.

Perennial Stream: A stream that flows throughout most, (i.e., >50%) more than fifty percent, of the year.

Permanent Forest Processing: Conducting or intending to conduct for a period of twelve (12) months or longer in one location, any operation involving the processing of logs or other parts of trees. This includes debarking, clipping, sawmills, log storage areas, areas for loading or unloading forest products, or related or similar types of operation.

Person: An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.

Petroleum Products Distribution And Storage Facilities: A facility with a minimum of one thousand (1,000) gallons capacity wherein petroleum products are temporarily stored in tanks which are above ground.

Pier: Any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berthing or mooring place for watercraft, or for loading or unloading cargo or passengers onto or from watercraft, and may include a temporary boat hoist without roof or walls.

Such a structure may include a boat shelter that is removed seasonally. (See Section 30.01 (5.), *Wis. Stats.*)

Pier Head Line: A surveyed line established by municipal ordinance and DNR approval that limits the water ward extent of piers in a water body (Section 30.13. *Wis. Stats.*).

Principal Structure and Use: The structure(s) or use(s) which are identified as the primary structure(s) on a given lot and which are not incidental to other structures or uses on the lot.

Private Club: A private business that may be licensed by the Wisconsin Department of Health and Family Services that includes dwelling units for short-term rental in one (1) or more permanent structures utilized principally for the accommodation of employees or club members.

Private Road: An area designated as a right-of-way available for use by one or more landowners who abut upon said right-of-way, but which right-of-way has not been dedicated to the public, nor is intended to be used by the public. (Rev:02/15/05)

Private Sewage System: A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Commerce including a substitute for the septic tank or soil absorption field, a holding tank, or an experimental system. A system serving more than one (1) structure, or a system located on a different parcel than the structure.

Public Open Space: Any publicly-owned open area including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, parkways, and streets.

Public Sewage Disposal System: Sewers and sewage treatment facilities used in connecting therewith which are maintained and operated by a municipality or sanitary district.

Public Utilities: Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, natural gas, and storm sewer.

Pyramiding: The act of obtaining or providing access to public bodies of water across private lots or lands in a manner that increases the number of families that have access to that water to a degree greater than what would occur with individual riparian owners having

individual lots fronting on the water. The effect of pyramiding is to funnel back lot development from off-shore lands or residences via a narrow parcel of land to provide access to the water. Publicly owned access points shall not fall within this definition.

Recreational Vehicle: Any vehicle used for temporary or permanent human habitation, capable of moving on land under its own power, licensed by the State for road travel under forty-five (45) feet in length.

Recreational Vehicle Park: A campground also offering for motor homes and camper trailers such facilities as electricity hookup to rented spaces, vehicle sanitary waste disposal service, and motor vehicle fuel sales limited to guest vehicles (see also Campground).

Regional Flood: A flood that is expected to occur on a particular lake, river, or stream once in every one hundred (100) years. (Also called the one hundred-[100] year flood.)

Residential: See dwelling unit. Multi-family and one-(1) and two-(2) family structures as allowed by district.

Resort: A motel or hotel that also offers outdoor recreational and personal fitness activities and facilities as part of the room rental, such as swimming, fishing, boating, hiking/skiing/snowmobile trails, tennis courts, etc., and typically also offering a restaurant only for guests, with the meal cost included in the room rate. The guest rooms may include individual cabins dispersed about the grounds. (See also Hotel, Motel, Time-Share Condominium.)

Riparian Management Zone (RMZ): Land and vegetation areas next to lakes and streams where management practices are modified to protect water quality, fish and other aquatic resources. These areas are complex ecosystems that provide food, habitat, and movement corridors for both aquatic (water) and terrestrial (land) communities as well as helping to minimize non-point source pollution impacts to surface water.

Riprap: Rock or other large aggregate that is placed to protect stream banks, bridge abutments, outflow of drainage structures, or other erodible sites from runoff or wave action. Permit from the Department of Natural Resources is required.

Rooming House: A structure or groups of structures with rooms rented on a weekly or monthly basis, wherein each individual room does not have private kitchens, or bathroom facilities.

Salvage Yard: An open area or fenced-in enclosure, where used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled; including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. For the purpose of this ordinance, salvage yard included an auto salvage yard, but does not include uses established entirely within enclosed structures. Two (2) or more inoperative pieces of equipment shall constitute a salvage yard.

Sand And Gravel Pit: Any operation that extracts more than ten (10) cubic yards of nonmetallic material per year in one location, or that involves crushing, sorting, or washing of nonmetallic excavated materials. This does not include excavation used in construction and does not include stockpiling or storage of such material.

Seasonal Residence or Seasonal Residential Structure: A structure that is, or is not, capable of supporting continuous year-around human habitation that is used less than fifty (50%) percent of the year.

Sediment: Soil that has eroded from the land surface, often by overland water flow, and is then transported and deposited away from its original location.

Select Cutting: Timber harvest that leaves a minimum of sixty (60) square feet of basal area per acre in trees five (5") inches in diameter at breast height (DBH) and larger, evenly distributed. Trees smaller than five (5) inches in diameter shall be preserved to maintain underbrush growth and to protect the quality of the Shore Land buffer area.

Setback: The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of-way, water line, or perspective line to the nearest vertical wall or other element of a structure or structure.

Shooting Range: An area designed and constructed for the discharge of firearms that is open for club members, or public use; including individually owned and used target and archery ranges where a fee is being charged. The sole use by the individual owner and the gratuitous use thereof by invitees of the individual owner, is not a shooting range for purposes of 16.46. All other shooting ranges shall meet the requirements of 16.46.

Shore Land Lot: With reference to lake area development, a lot that has frontage on navigable water and thereby is subject to a shoreline setback and regulations affecting conservation of the shoreline set forth in Section 5, Shore Land Regulations (also see Back Lot). Shore Land lots can be waterfront lots or back lots.

Shore Lands: Lands within the following distances from the ordinary high-water mark of navigable waters: One thousand (1,000) feet from a lake, pond, or flowage. Three hundred (300) feet from a river or stream, or to the landward side of the flood plain, whichever distance is greater.

Shore Land/Wetland Zoning: Created as a part of the Shore Land Zoning (Section 5) comprised of Shore Lands that are designated as wetlands on the wetland maps that have been adopted and made a part of this ordinance.

Shore Yard: Those lands within three hundred (300) feet of the ordinary high water mark of navigable water.

Shore Yard Alteration Permit: A permit issued under this Ordinance required to construct, fill, grade, lagoon, dredge, ditch, excavate or landscape in areas described as “shore yards”.

Side Yard: A yard extending along a side lot line that does not front on a public street, or road, or water body.

Sign: A name, identification, description, display, or illustration that is affixed to, or painted or represented directly or indirectly upon a structure or other outdoor surface or piece of land; and which directs attention to an object, product, place, activity, person, institution, organization, or business.

Sill Plate: A horizontal foundation, (stone or timber), on which a structure rests or attaches.

Silt Fence: A temporary barrier used to intercept sediment-laden runoff from small or large areas.

Slash: Any treetops, limbs, bark, abandoned forest products, windfalls, or other debris left on the land after timber or other forest products have been cut.

Slope: Degree of deviation of surface from the horizontal, measured as a numerical ratio, as a percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second number is the vertical distance (rise), as 2:1. A 2:1 is a fifty (50%) percent slope. Expressed in degrees, the slope is the angle from the horizontal plane, with a ninety (90°) degree slope being vertical (maximum) and a forty-five (45°) degree slope being a 1:1 slope.

Spot Zoning: Zoning a relatively small area for uses significantly different from those allowed in the surrounding area to favor the owner of a particular piece of property. The Wisconsin Supreme Court has defined spot zoning as rezoning “...whereby a single lot or area is granted privileges which are not granted or extended to other land in the vicinity, in the same use district. Spot zoning is not necessarily illegal, but must be judged on individual circumstances.” Any map amendments that create an island, or isolated parcel of land for which one or more of the following conditions are met:

- (1.) A small parcel of land is singled out for special or privileged treatment.
- (2.) A map amendment not in the public interest, but only for the benefit or detriment of the landowner.
- (3.) The action is not in accord with the County Land Use Plan.

Stand: A contiguous group of trees sufficiently uniform in species composition, arrangement of age classes, and condition, to be a homogeneous and distinguishable unit.

Stream: A watercourse that:

- (1.) Has an ordinary high-water mark.
- (2.) Has a bed and banks.
- (3.) Flows, at least periodically.
- (4.) Has an easily identifiable beginning and end.
- (5.) Does not lose its character as a watercourse even though it may break up and disappear temporarily and reappear downstream.

Street (Avenue, Place, Road, Terrace, Parkway, Boulevard, or Court): A right-of-way of a required width, that affords a primary means of access to abutting property.

Structure: Anything that is constructed, erected, or placed onto a property that has form, shape, and utility; and is either permanently or temporarily, attached to or resting upon, or in, the ground, river bed, stream bed or lake bed. The term “structure” does not include filling or grading. The term “structure” includes, but is not limited to, buildings, mobile homes, recreational vehicles, or other structures constructed on wheels, driveways, parking lots, decks, gazebos, swimming pools, hot tubs/spas, above-ground and underground storage tanks, (excluding on-site private sewage disposal systems), satellite dishes larger than one (1) meter in diameter, walls (including retaining walls and terracing), towers, and signs. Small, easily-moved objects such as lawn furniture (including benches on decks or patios if they are not attached to the deck or patio), picnic tables are not included in the definition of “structure”.

Substantial Improvement: Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:

(1.) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that existed before the improvement began, was identified by a municipal official, and is necessary to assure safe living conditions.

(2.) Any alteration of a designated historical (see definition) structure or site documented as deserving preservation by the Wisconsin State Historical Society, or is listed on the National Register of Historic Places, provided the alteration will not preclude the structure's continued designation as a historical structure (Rev. federal rule October 1990).

(3.) Ordinary maintenance repairs are not considered structural repairs, modifications, or additions. Such ordinary maintenance repairs include: internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. "Substantial improvement" begins when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

Swimming Raft: A floating platform without railing, roof, or walls that is adequately anchored to the bed of navigable waters and is designed for swimming, diving, and related activities (S, 30.01 (6)(e), *Wis. Stats.*).

Time-Share Condominium: Lodging for compensation by guests who are tourists or occupants renting by the night or week, within a place of residence, while the resident is not present. (See also Bed and Breakfast.)

Tourist- And Lake-Oriented Commercial: Any local or neighborhood commercial activity or bait shops, sporting goods store, marinas, motels and resorts, souvenir and novelty shops, or other uses intended to serve lake users, tourists, or seasonal residents. Except for hotels, motels, and resorts, gross floor area of the principal structure shall not exceed two thousand five hundred (2,500) square feet.

Temporary Forest Processing: Any operation similar to that described under Permanent Forest Processing but which does not continue or is intended to continue in one location for a period of longer than twelve (12) months.

Truck Terminals: A facility for loading, unloading, storage, and/or major repair of three (3) or more trucks or trailer units over eight (8) tons.

Unnecessary Hardship: Circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance. Under the terms Wisconsin case law [*Snyder v. Waukesha County*, 74 Wis. 2d 468 (1976)] hardship is present where, in the absence of a variance, no reasonable use can be made of the property.

Variance: An authorization granted by the Board of Adjustment to construct, alter, or use a structure in a manner that is inconsistent with the dimensional standards (not uses) contained in this ordinance.

Visually Intrusive: Clearly standing out from shoreline or non-shoreline background because of color or reflectivity when viewed from on the water or a roadway during the time when leaves are on deciduous trees.

Warehouse: A structure of over one thousand (1,000) square feet that is used primarily for storage.

Water Access Lots: Lots that provide waterfront access to other lots. Waterfront access lots include water access lots and island access lots.

Water Line: The shortest straight line at the waterfront end of a lake or stream lot that lies wholly within the lot, provided that not less than seventy-five (75%) percent of the length of such water line shall be on, or on the landward side of, the high-water mark of such lake or stream.

Waterfront Lot: Any lot that abuts a navigable water.

Watershed: The entire region, or area, contributing runoff or surface water to a particular watercourse or body of water.

Water Surface Profile: A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating flood plain areas.

Well: An excavation opening in the ground made by digging, boring, drilling, driving, or other methods, for the purpose of obtaining groundwater regardless of its intended use.

Wetland: An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic (water-loving) vegetation and which has soils indicative of wet conditions.

Wharf: any structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft, or for loading or unloading cargo or passengers onto, or from, watercraft. (Section 30.01(8.), Wis. Stats.).

Wholesale Establishments: Establishments that sell relatively large quantities, especially to retail establishments, and not directly to consumers.

Yard: An open space on a lot that is unoccupied and obstructed from its lowest level to the sky. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Zoning Administrator: The official appointed to administer this ordinance, and whose duties are outlined in the administration section of the ordinance.

Zoning Committee: This is a committee of the Forest County Board of Supervisors and created by the Forest County Board of Supervisors, and will hereafter be referred to as the Zoning Committee.

